

Public Document Pack

Date: 10 April 2023
Our ref: Planning Committee Agenda
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PLANNING COMMITTEE

19 APRIL 2023

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 19 April 2023** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Tomlinson (Chair); Councillors: Coleman-Cooke (Vice-Chair), Albon, J Bayford, Crittenden, Everitt, Garner, Keen, Pat Moore, Paul Moore, Rusiecki, Shrubbs, Towing, Wallin, Wing and Wright

A G E N D A

Item Subject
No

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)

To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)

3. **MINUTES OF PREVIOUS MEETING** (Pages 5 - 38)

To approve the Minutes of the Planning Committee meeting held on 15/03/2023, copy attached.

4. **UPDATE FOR F/TH/22/1284 - THE OLD FORGE, HIGH STREET, GARLINGE, MARGATE, KENT (SITE VISIT)** (Pages 39 - 62)

5. **UPDATE FOR OL/TH/21/1976 – ALL SAINTS INDUSTRIAL ESTATE, ALL SAINTS ROAD, MARGATE** (Pages 63 - 102)

6. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 103 - 108)

To consider the report of the Deputy Chief Executive, copy attached for Members of the Committee.

Note: Copies of correspondence relating to applications received will be available for members' perusal in the Members' Room from 5.00pm on

Item
No

Subject

the Friday before the meeting until the date of the meeting.

For Approval

- 6a **A01 R/TH/22/1650 - LAND AT NEW HAINE ROAD, RAMSGATE, KENT**
(Pages 109 - 136)
- 6b **A02 FH/TH/23/0138 - 54 STONE ROAD, BROADSTAIRS, KENT, CT10 1DZ**
(Pages 137 - 146)
- 6c **A03 FH/TH/23/0121 - 85 SALISBURY AVENUE, BROADSTAIRS, KENT, CT10 2EB** (Pages 147 - 152)
- 6d **A04 F/TH/22/1638 - PIER HEAD SHELTER, THE HARBOUR, BROADSTAIRS, KENT, CT10 1EU** (Pages 153 - 164)
- 6e **A05 L/TH/23/0164 - PUBLIC CONVENIENCES STONE PIER, MARGATE, KENT, CT9 1AP** (Pages 165 - 170)
- 6f **A06 F/TH/23/0216 - NETHERCOURT TOURING PARK, NETHERCOURT HILL, RAMSGATE, KENT, CT11 0RX** (Pages 171 - 176)

For Refusal

- 6g **R07 FH/TH/23/0031 - LITTLE UPTON VALE ROAD, BROADSTAIRS, KENT, CT10 2JJ** (Pages 177 - 186)



Please scan this barcode for an electronic copy of this agenda.

Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or
Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992



If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).

Public Document Pack Agenda Item 3

Planning Committee

**Minutes of the meeting held on 15 March 2023 at 7.00 pm in Council Chamber,
Council Offices, Cecil Street, Margate, Kent.**

Present: Councillor Michael Tomlinson (Chair); Councillors Coleman-Cooke, Albon, J Bayford, Crittenden, Everitt, Garner, Keen, Pat Moore, Paul Moore, Rusiecki, Shrubbs, Towing and Wallin

In

Attendance: Councillor Kup

1. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Wright who was substituted by Councillor Rattigan.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **MINUTES OF PREVIOUS MEETING**

Councillor Albon proposed, Councillor Coleman-Cook seconded and Members agreed that the minutes of the meeting held on 15 February 2023 be approved as a correct record.

POINT OF INFORMATION:

The Planning Applications Manager spoke to the committee regarding the following items:

Item 6A – OL/TH/21/1976 – All Saints Industrial Estate, All Saints Avenue, Margate, Kent, CT9 5TJ - update to plan condition

Item 6B – F/TH/22/1284 – The Old Forge, High Street, Garlinge, Margate - removal of archaeology condition

Item 6C – F/TH/22/0919 - Land Rear of 20 to 22 Westfield Road, Birchington - update to recommendation to “defer and delegate for approval subject to the receipt of a legal agreement securing the SAMMs contribution and safeguarding conditions”

Item 6E – F/TH/22/0979 - 60 to 68 High Street, 1 to 11 George Street, Ramsgate, Kent, CT11 9RS - update to recommendation to “approve” and alteration of timing for submissions on conditions 3 (surface water drainage) and 29 (foul drainage)

4. **UPDATE FOR F/TH/22/0364 - GORE END FARM, MINNIS ROAD, BIRCHINGTON, KENT, CT7 9SJ (SITE VISIT)**

PROPOSAL: Erection of 4No dwellings (3No 3-bed and 1No 4-bed), conversion of the cow shed to 1No. 3-bed dwelling and threshing barn into 2No dwellings (1No 3-bed and 1No 5-bed) together with hard and soft landscaping and associated works

Councillor Fellows spoke against the application under Council Rule 20.1.

It was proposed by the Chair and seconded by the Vice Chair:

THAT the officer's recommendation be adopted, namely:

That the application be approved subject to the following conditions:

1 – The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 – The development hereby approved shall be carried out in accordance with the submitted drawings numbered 29973A_200 Rev J, 29973A_210 Rev C, 29973A_211 Rev B, 29973A_220 Rev D, 29973A-221 Rev C, 29973A_222 Rev C, 29973A_225 Rev B, 22973A_230 Rev C, 29973A_231 Rev C, 29973A_240 Rev C, 24073A_241 Rev B, 29973A_250 Rev B, 29973A_251 Rev A, 29973A_275 Rev A and 2104190-002 Rev C.

GROUND:

To secure the proper development of the area.

3 – No development shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

GROUND:

To protect the district's groundwater, and to ensure the development is served by satisfactory arrangements for the disposal of surface water ,in accordance with Policies SE04 and CC02 of the Thanet Local Plan and advice contained within the National Planning Policy Framework.

4 – Prior to the commencement of any development on site, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the following details:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures
- (h) Access arrangements
- (i) Wheel washing
- (j) light control measures
- (k) Hours of construction
- (l) Pollution incident control measures
- (m) site contact details

GROUND:

In the interests of highway safety, neighbouring amenity and heritage, in accordance with Policies QD03 and HE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

5 – Prior to the commencement of the development hereby permitted, details of the electric vehicle charging points to be provided within the development, including their location and design, shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be in the form of one active charging point per allocated parking space, and one active charging point per ten unallocated parking spaces. The electric vehicle charging points shall be provided prior to the first occupation of the development and thereafter maintained.

GROUND:

To protect air quality, in accordance with Policies SP14 and SE05 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

6 – The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing with the Local Planning Authority.

GROUND:

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

7 – The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110 litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

GROUND:

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110 litres /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

8 – No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

GROUND:

To ensure that historic building features are properly examined and recorded.

9 – No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

GROUND:

To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

10 – Prior to vegetation clearance and prior to works on the Tithe barn the ecological mitigation detailed within the reptile survey mitigation strategy (KB Ecology, November 2021) and bat survey and mitigation strategy (KB Ecology, November 2021) must be implemented as detailed. On completion of the mitigation a letter must be submitted to the LPA demonstrating it has been carried out.

GROUND:

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

11 – Within 3 months of the completion of the reptile mitigation an ecological management plan for the receptor site (as detailed in reptile survey mitigation strategy (KB Ecology, November 2021)) must be submitted to the LPA for written approval. It must detail how the reptile receptor site will be managed to ensure it remains suitable for reptiles. The plan must be implemented as approved.

GROUND:

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

12 – Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall

- i) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- ii) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
- iii) Detail the types of lighting to be used including their fittings, illumination levels and spread of light

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

GROUND:

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

13 – The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

Intrusive Investigation

a) An intrusive investigation and updated risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to: Human health; Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; Adjoining land; Ground waters and surface waters; Ecological systems;
- (iii) An appraisal of remedial options and identification of the preferred option(s). All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

b) If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

c) Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

14 – If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

15 – The areas shown on the approved plans for vehicle parking, carports and

manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of any dwelling served by the areas hereby permitted.

GROUND:

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

16 – Prior to the first occupation of the development hereby approved the visibility splays shown on drawing 2104190-002 Rev C shall be provided and thereafter retained with no obstructions over 0.6 metres above carriageway level within the splays.

GROUND:

In the interest of highway safety in accordance with the advice contained within the National Planning Policy Framework.

17 – Prior to the first occupation of any dwelling hereby approved, the vehicular access, signal equipment and pedestrian crossing point (dropped kerb and tactile paving) on the footway shown on drawing 2104190-002 Rev C shall be constructed and fully operational and shall thereafter retained.

GROUND:

In the interests of highway safety, in accordance with the advice contained within the National Planning Policy Framework.

18 – Prior to the first occupation of any dwelling hereby approved, the following works between the respective dwelling and the adopted highway shall be complete:

- (a) Footways and/or footpaths, with the exception of the wearing course;
- (b) Carriageways, including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

GROUND:

In the interests of highway safety, and the living conditions of future occupants, in accordance with Policy QD03 of the Thanet Local Plan, and advice as contained within the National Planning Policy Framework.

19 – Prior to the first occupation of the development hereby approved, the redundant vehicle crossing to Minnis Road shall be removed and landscaping reinstated in accordance with the specifications set out in the Kent Design Guide.

GROUND:

In the interests of highway safety and visual amenity in accordance with Policy QD02 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

20 – Prior to the first occupation of any dwelling hereby approved, the secure cycle parking facilities, as shown on approved drawings shall be provided for each respective dwelling and thereafter maintained.

GROUND:

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

21 – The development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.

GROUND:

In the interests of highway safety and visual amenity in accordance with Policy QD02 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

22 – The development hereby permitted shall incorporate measures to prevent the discharge of surface water onto the highway.

GROUND:

In the interests of highway safety and visual amenity in accordance with Policy QD02 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

23 – Prior to the first occupation of any dwelling hereby approved units the bin storage/collection point to serve the dwellings shall be provided and thereafter retained.

GROUND:

In the interests of highway safety, and the living conditions of future occupants, in accordance with Policy QD03 of the Thanet Local Plan, and advice as contained within the National Planning Policy Framework.

24 – Prior to the installation of the rainwater goods, details including the material and a sectional profile shall be submitted to and approved in writing by the Local Planning Authority. The rainwater goods shall be installed in accordance with the approved details.

GROUND:

To safeguard the architectural and historic importance of the listed building and its setting in accordance with Policy HE03 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

25 – Prior to the construction of the external surfaces of the development hereby approved samples of the materials to be used, including roof tiles, slates and brickwork, shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples; unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

To safeguard the architectural and historic importance of the listed building and its setting in accordance with Policy HE03 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

26 – Prior to the installation of any external windows and doors, joinery details at a scale of 1:5 of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be carried out concurrently with the development and fully implemented prior to the first occupation of any part of the approved development.

GROUND:

To safeguard the architectural and historic importance of the listed building and its setting in accordance with Policy HE03 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

27 – No external walls shall be constructed or rebuilt for the cow shed until a minimum of 1m square sample panel of flint for the extension to the cow shed demonstrating the colour, texture, face bond and pointing has been erected on site, and inspected and approved, in writing by, the Local Planning Authority. The development shall be completed in accordance with the approved details.

GROUND:

To safeguard the architectural and historic importance of the listed building and its setting in accordance with Policy HE03 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

28 – All new window and door openings shall be set within a reveal of not less than 100mm.

GROUND:

To safeguard the architectural and historic importance of the listed building and its setting in accordance with Policy HE03 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

29 – Prior to the installation of all external meter boxes/cupboards details of materials and design of the meter cupboards shall be submitted to and approved in writing by the Local Planning Authority and installed accordingly.

GROUND:

To safeguard the architectural and historic importance of the listed building and its setting in accordance with Policy HE03 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

30 – The development shall be carried out in full compliance with all identified measures for tree protection during construction detailed within the Arboricultural Tree Survey and Impact Assessment Report unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the National Planning Policy Framework.

31 – Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include:

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted,
- the treatment proposed for all hard surfaced areas beyond the limits of the highway,
- walls, fences, other means of enclosure proposed,

shall be submitted to, and approved in writing by, the Local Planning Authority. These details will be based on the details shown on the landscape Strategy Plan 29973A_270 Rev B.

GROUND:

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the National Planning Policy Framework.

32 – All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan.

33 – A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The amenity areas shall be managed in accordance with the approved landscape management plan in perpetuity.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan.

34 – No further alterations, extensions, alterations/additions to the roof, porches, outbuildings, hard surfacing, chimney/flues or microwave antenna shall be carried out to the dwellings hereby approved whether approved by Schedule 2, Part 1, Classes A, B, C, D, E, F, G or H of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), without the prior permission in writing of the Local Planning Authority.

GROUND:

To safeguard the architectural and historic importance of the listed buildings and its setting and the visual amenities of the area in accordance with Policies HE03 and QD02 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

35 – No means of enclosure shall be permitted to be constructed on the site or for the dwellings, excluding the approved boundary treatments within condition 31 hereby approved, whether approved by Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), without the prior permission in writing of the Local Planning Authority.

GROUND:

To safeguard the architectural and historic importance of the listed buildings and its setting and the visual amenities of the area in accordance with Policies HE03 and QD02 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

Upon being put to the vote, the motion was declared **CARRIED**.

5. **UPDATE FOR F/TH/22/1057 - UNIT 1 AND 2 BELGRAVE ROAD, MARGATE**

PROPOSAL: Change of use of commercial units to provide a mixed use (residential and commercial) development consisting of 3No commercial units (Use Class E) and parking at ground floor and erection of a three storey extension to provide 6No 2-bed and 4No 3-bed self contained flats together with associated parking.

Councillor Pugh spoke in favour of the application under Council Rule 20.1.

It was proposed by the Chair and seconded by the Vice Chair:

THAT the officer's recommendation be adopted, namely:

That the application be refused subject to the following reasons:

1 – The proposed three storey extension by virtue of its height, scale, design, proximity to and relationship with the buildings fronting Marine Gardens and Marine Terrace would result in a incongruous and dominant form of development that competes with and detracts from the significance of the listed buildings fronting Marine Gardens and the buildings fronting Marine Terrace in the Margate Seafront Conservation Area resulting in significant harm to its special character, appearance and historic interest of these designated buildings and area, which is not outweighed by the public benefits of the proposal, contrary to policies HE02, HE03 and QD02 of the Thanet Local Plan and paragraphs 130, 199, 200 and 202 of the National Planning Policy Framework.

2 – The proposed first, second and third floor balconies due to their proximity to, and relationship with the rear elevation windows of the northern neighbours, 12 and 12A Marine Gardens, would result in direct overlooking to the habitable room windows in the rear elevations of these properties and a subsequent loss of privacy to the occupants of this property, contrary to Policy QD03 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.

3 – The applicant has failed to enter into a legal agreement to secure the delivery of the necessary planning obligations required in order to mitigate the impacts of the proposed development on the local infrastructure and make the development acceptable in all other respects. The application is, therefore, contrary to policy SP41 of the Thanet Local Plan, and paragraphs 55, 57 and 58 of the National Planning Policy Framework.

4 – The proposed development will result in additional pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to policy SP29 of the Thanet Local Plan and paragraph 182 of the National Planning Policy Framework.

Upon being put to the vote, the motion was declared **LOST**.

It was proposed by Councillor Albon and seconded by Councillor Bayford that:

Defer and delegate for approval, subject to receipt of an acceptable signed obligation securing the required planning obligations and safeguarding conditions (including privacy screens to the north balcony boundaries) on the ground that the economic and housing benefits outweigh the limited impact on the Conservation Areas and adjacent Listed Buildings.

Upon being put to the vote, the motion was declared **CARRIED**.

6. SCHEDULE OF PLANNING APPLICATIONS

The Chair informed Committee Members that any site visits would take place on 31st March 2023.

(a) **A01 OL/TH/21/1976 - All Saints Industrial Estate, All Saints Avenue, Margate, Kent, CT9 5TJ**

PROPOSAL: Outline application for the erection of 58 light industrial units (Use Class E(g)) and associated parking including access, appearance, layout and scale.

Mr Hodgman spoke against the application.

It was proposed by the Chair and seconded by the Vice Chair:

THAT the officer's recommendation be adopted, namely:

That the application be approved subject to the following conditions:

1 – Approval of the details of the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

GROUND:

As no such details have been submitted.

2 – Plans and particulars of the reserved matters referred to in Condition 1 above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

GROUND:

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3 – Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

GROUND:

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4 – The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

GROUND:

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

5 – The proposed development shall be carried out in accordance (for access, appearance, layout and scale) with the submitted application as amended by the revised plans numbered 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13 and 15 received 23 December 2021, 20 received 16 August 2022, 17 Rev B, 18 Rev B and 19 Rev B received 20 October 2022 and and 01 Rev E, 22 and J7/01043 received 16 February 2023.

GROUND:

To secure the proper development of the area.

6 – No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles Flood Risk Assessment prepared by BJB dated May 2016 demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters and appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

GROUND:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF.

7 – No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report for that phase, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

GROUND:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF.

8 – Details pursuant to condition 1 (landscaping) shall show a permeable material for all hard surface areas to be created within the site.

GROUND:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF.

9 – Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

GROUND:

To protect vulnerable groundwater resources in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

10 – No development shall commence until a site characterisation and remediation scheme has been submitted to and approved in writing by the Local Planning Authority and the remediation scheme has been implemented in accordance with the approved details. The site characterisation, remediation scheme and implementation of the approved remediation scheme shall be carried out in accordance with the following criteria (a) Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority, and shall include:

- A survey of the extent, scale and nature of contamination
- An assessment of the potential risks to
- Human health
- Property
- Adjoining land
- Groundwaters and surface waters
- Ecological system

- An appraisal of remedial options and a recommendation of the preferred options

The site characterisation report shall be conducted in accordance with British Standards and current DEFRA and Environment Agency best practice.(b) Submission of remediation scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.(c) Implementation of Approved Remediation Scheme The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

GROUND:

To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

11 – No development shall take place until the method of piling foundations has been submitted to and agreed in writing by the Local Planning Authority. Any such piling shall thereafter be undertaken in accordance with the agreed details.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, , in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

12 – If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

13 – Details pursuant to condition 1 (landscaping) shall include details of, an ecologically-sensitive clearance method of the sparse grassland and open-mosaic habitat on the site.

GROUND:

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

14 – Prior to the installation of any external lighting on the development hereby approved, a "lighting design strategy for biodiversity" for the site boundaries shall be submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
- c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

GROUND:

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

15 – Details pursuant to condition 1 (landscaping) shall include full details of ecological enhancements, required to be provided within the site to demonstrate net-gain to biodiversity to include an ecologically sensitive soft landscaping plan where vegetation is retained and enhanced on-site where possible.

GROUND:

To ensure the site makes a positive contribution to biodiversity, in accordance with policy SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

16 – Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures
- (h) Access arrangements

GROUND:

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

17 – Prior to the first occupation IN of the development hereby permitted, all off-site highway works as shown on approved drawing no. 01 Rev C and 17 Rev B received 20 October 2022 unless otherwise agreed in writing by the Local Planning Authority, shall be completed and made operational.

GROUND:

In the interests of highway safety and to mitigate any adverse transport impact in accordance with Policy TP01 of the Thanet Local Plan and the advice contained within the NPPF.

18 – Prior to the first use of the site the vehicle loading/unloading and turning facilities shown on the submitted plan numbers 01 Rev C, 17 Rev B, 18 Rev B and 19 Rev B received 20 shall be provided and permanently retained.

GROUND:

In the interests of highway safety, in accordance with Policy TP08 of the Thanet Local Plan.

19 – Prior to the first occupation of the development hereby approved, details of the design of the electric vehicle charging points, to be located as shown on the approved plan numbered 01 Rev C, 17 Rev B, 18 Rev B and 19 Rev B received 20 October 2022 shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented and maintained as approved.

GROUND:

To protect air quality, in accordance with Policy SP14, SP45 and SE05 of the Thanet Local Plan and the advice as contained within the NPPF.

19 – Prior to the first use of the development, the secure cycle parking facilities, as shown on approved drawing no. 01 Rev C, 17 Rev B, 18 Rev B and 19 Rev B received 20 shall be provided and thereafter maintained.

GROUND:

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

20 – The areas shown on the approved plan numbered 01 Rev C, 17 Rev B, 18 Rev B and 19 Rev B received 20 October 2022 for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided, prior to the first use of the development hereby permitted.

GROUND:

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF.

20 - The premises hereby approved shall not be used other than between the hours of 0700 to 1800 Monday to Friday and 0900 to 1800 Saturday.

GROUND:

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

21 – The development hereby approved shall be used as commercial units falling within Use Class E(g) and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

GROUND:

To secure the proper development of the area in accordance with Thanet Local Plan Policies E01 and SP05.

22 – Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no development shall take place under Class MA in Schedule 2 Part 3 of that order (or any Order revoking and re-enacting that Order) in relation to the development hereby approved.

GROUND:

To secure the proper development of the area in accordance with Thanet Local Plan Policies E01 and SP05, which allocates the allocation site for employment uses only.

23 – The development hereby permitted shall be constructed using brick, metal cladding, and glazed blocks, design and access statement received 26 January 2022 unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

Upon being put to the vote, the motion was declared **LOST**.

It was proposed by the Councillor Albon and seconded by the Councillor Shrubbs:

Defer to officers and bring back with reasons for refusal next month, and to go back to the applicant following the debate to seek a reduction in the number of units.

Upon being put to the vote, the motion was declared **CARRIED**.

(b) **A02 F/TH/22/1284 - The Old Forge, High Street, Garlinge, Margate, Kent**

PROPOSAL: Erection of 4no. 3 bed detached dwellings with associated access and landscaping following the demolition of a side extension to the existing dwelling.

Mr Buckwell spoke in favour of the application.

Ms Hart spoke against the application

Councillor Boyd spoke against the application under Council Rule 20.1.

It was proposed by the Chair and seconded by the Vice Chair:

THAT the officer's recommendation be adopted, namely:

That the application be approved subject to the following conditions:

1 – The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 – The development hereby approved shall be carried out in accordance with the submitted drawings numbered 06B, 07, 08, 09, 10A, 11A, 12, 13, 14, 15 and 16 B.

GROUND:

To secure the proper development of the area.

3 – The construction of the site shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

In the interests of highway safety, neighbouring amenity and heritage, in accordance with Policies QD03 and HE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

4 – Prior to their installation written and illustrative details of the type of Electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the local planning authority before any of the units are first brought into use. The EVCP shall be maintained and kept in good working order thereafter as specified by the manufacturer.

GROUND:

To protect air quality, in accordance with Policy SE05 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

5 – The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing with the Local Planning Authority.

GROUND:

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

6 – The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110 litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

GROUND:

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110 litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

7 – If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the

Thanet Local Plan and the advice contained within the National Planning Policy Framework.

8 – The areas shown on the approved plans for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

GROUND:

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

9 – Prior to any above ground development of any dwelling hereby approved hereby approved the access shown on the approved plan 06B shall be constructed and thereafter retained for use by the approved dwellings.

GROUND:

In the interests of highway safety, in accordance with the advice contained within the National Planning Policy Framework.

10 – Prior to the first occupation of the new units hereby approved the bin presentation area shown on plan reference 06B to serve those dwellings shall be provided and thereafter kept available for use.

GROUND:

In the interests of highway safety, and the living conditions of future occupants, in accordance with Policy QD03 of the Thanet Local Plan, and advice as contained within the National Planning Policy Framework.

11 – The drainage of the site shall be carried out in accordance with the drainage details received on the 21st September 2022 unless otherwise agreed in writing with the Local Planning Authority.

GROUND:

To protect the district's groundwater, and to ensure the development is served by satisfactory arrangements for the disposal of surface water ,in accordance with Policies SE04 and CC02 of the Thanet Local Plan and advice contained within the National Planning Policy Framework.

12 – The external surfaces of the dwellings hereby permitted shall be built in accordance with the materials schedule submitted on the 19th January 2023 unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

13 – Prior to the first use of the access road, hereby approved full details of the fence to its southern boundary shall be submitted to, and approved in

writing by the Local Planning Authority. This fence shall be installed prior to the first use of the access and thereafter retained.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

14 – Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include:

- Species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- The treatment proposed for all hard surfaced areas beyond the limits of the highway, including the area of parking for the old forge and bin presentation area
- Walls, fences, other means of enclosure proposed
- Ecological enhancements to be provided within the site

shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND:

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

15 – All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and G104 of the Thanet Local Plan.

16 – The bathroom and landing windows in the first floor rear elevation of unit 1 hereby approved shall be non-opening below 1.73m above the finished internal floor level, and provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent; and shall be installed prior to the first occupation of the development hereby permitted and permanently retained thereafter.

GROUND:

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

Upon being put to the vote, the motion was declared **LOST**.

It was proposed by the Councillor Albon and seconded by Councillor Bayford:

That a site visit be carried out on the proposed date and brought back at the next Planning Committee meeting.

Upon being put to the vote, the motion was declared **CARRIED**.

(c) **A03 F/TH/22/0919 - Land Rear of 20 to 22 Westfield Road, Birchington, Kent**

PROPOSAL: Erection of 1no two bed single storey dwelling

Councillor Hudson spoke against the application.

Councillor Fellows spoke against the application under Council Rule 20.1.

It was proposed by the Chair and seconded by the Vice Chair:

THAT the officer's recommendation be adopted, namely:

That the application be defer and delegate for approval subject to the receipt of a legal agreement securing the SAMMs contribution and subject to the following conditions:

1 – The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 – The development hereby approved shall be carried out in accordance with the submitted drawings numbered AW-200 Rev P2, AW-210 Rev P1 and AW-220 Rev P1 received 10 January 2023.

GROUND:

To secure the proper development of the area.

3 – The dwelling hereby permitted shall be constructed using yellow brick, red tiles and white UPVC windows in accordance with the agents email received 10 January 2023 unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

4 – Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. AW-210 Rev P1 shall be provided and thereafter maintained.

GROUND:

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

5 – The refuse storage facilities as specified upon the approved drawing numbered AW- 210 Rev P1 and received on 10 January 2023 shall be provided prior to the first occupation of the dwelling hereby approved and shall be kept available for that use at all times.

GROUND:

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

6 – The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

7 – The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

GROUND:

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

Upon being put to the vote, the motion was declared **CARRIED**.

(d) **R04 FH/TH/22/1672 - 75 Gloucester Avenue, Margate, Kent, CT9 3NP**

PROPOSAL: Erection of vehicle and pedestrian gates to front boundary (retrospective application)

Councillor Fellows spoke on the behalf of Mr Morgan in favour of the application.

It was proposed by the Chair and seconded by the Vice Chair:

THAT the officer's recommendation be adopted, namely:

That the application be refused subject to the following conditions:

1 – The gates, by virtue of their height, design and location, create a stark and highly prominent feature, incongruous with the prevailing open character of this part of the street scene, and contrasting with the low boundaries and landscaped frontages found elsewhere. This has created in the solid development and the harmful enclosure of the site, with a blank and expansive appearance at street level that is considered to contribute to the dilution of a sense of place and welcoming character that otherwise existed in this location, contrary to the aims of paragraph 130 of the NPPF and policies SP35 and QD02 of the Thanet Local Plan.

Upon being put to the vote, the motion was declared **LOST**.

It was proposed by the Councillor Shrubbs and seconded by Councillor Rusiecki:

To approve the application as the development would not harm the character and appearance of the area.

Upon being put to the vote, the motion was declared **CARRIED**.

(e) **D05 F/TH/22/0979 - 60 to 68 High Street and 1 to 11 George Street, Ramsgate, Kent, CT11 9RS**

PROPOSAL: Erection of a four storey building with mansard at third floor level to accommodate 5No. commercial units (Use Class E) with associated shopfronts at ground floor level, together with 39 Self contained flats (32No 1-bed , 5No 2-bed and 2No 3- bed). self contained flats together with refuse and cycle stores and external playspace, following demolition of existing buildings.

Mr Gerlack spoke in favour of the application

Councillor Austin spoke against the application under Council Rule 20.1.

It was proposed by the Chair and seconded by the Vice Chair:

THAT the officer's recommendation be adopted, namely:

That the application be deferred subject to the following reasons:

Defer and delegate to officers for approval subject to the receipt of a signed legal agreement securing the contributions towards the SAMMs project and stated planning obligations within 6 months and the following safeguarding conditions:

1 – The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 – The development hereby approved shall be carried out in accordance with the submitted drawings numbered 22/488/PL01 Rev D, 22/488/JG/PL02 Rev A1, 22/488/JG/PL03 Rev B1, 22/488/JG/PL04 Rev A1, 22/JG/PL06 Rev A, 22/488/JG/PL07, 22/488/JG/PL08 and 22/488/JG/PL09 Rev B2.

GROUND:

To secure the proper development of the area.

3 – No development, excluding demolition, shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that best endeavours have been made in reducing surface water contributions to the combined sewer. This submission shall also demonstrate that surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters
- Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

GROUND:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

4 – The development hereby permitted shall not be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of

details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

GROUND:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

5 – No development shall take place (excluding demolition) hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded.

The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved in writing by the Local Planning Authority.

GROUND:

To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

6 – No demolition or development shall commence until a method statement setting out the details and specifications of works to safeguard impact of works in relation to the no. 70 High Street (in particular its side elevation) have been submitted to and, agreed in writing, by the Local Planning Authority.

GROUND:

To preserve the character of the Grade II Listed structure attached to the application site in accordance with Policy HE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

7 – Prior to the construction of the external surfaces of the development hereby approved, samples of the materials to be used thereon shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

8 – All new window and door openings shall be set within a reveal of not less than 100mm.

GROUND:

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with Policy HE02 of the Local Plan and advice contained within the National Planning Policy Framework.

9 – All new windows and doors to the High Street and George Street elevations shall be timber and prior to the installation of any windows and doors within these elevations, joinery details at a scale of 1:5 of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be carried out concurrently with the development and fully implemented prior to the first occupation of any part of the approved development.

GROUND:

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with Policy HE02 of the Local Plan and advice contained within the National Planning Policy Framework.

10 – All new windows and doors to the Meeting Street elevation shall be Heritage UPVC and prior to the installation of any windows and doors within this elevation, details of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be carried out concurrently with the development and fully implemented prior to the first occupation of any part of the approved development.

GROUND:

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with Policy HE02 of the Local Plan and advice contained within the National Planning Policy Framework.

11 – In the event of the commercial elements of the premises being used for the cooking or preparation of hot food that would require the installation of an extract ventilation system, details of the location, size, type and design of the system shall be submitted to and agreed in writing by the Local Planning Authority. Prior to the commencement of such a use, the extract ventilation system shall be installed in accordance with the approved details.

GROUND:

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

12 – Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233 2014 Guidance on Sound Insulation and Noise Reduction for Buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating.

After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

GROUND:

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

13 – Prior to the installation of all external meter boxes/cupboards, details of materials and design of the meter cupboards shall be submitted to and approved in writing by the Local Planning Authority and installed accordingly.

GROUND:

To safeguard the special character and appearance of the area as a Conservation Area in accordance with Policy HE02 of the Thanet Local Plan and the advice as contained within the NPPF.

14 – Prior to the installation of the rainwater goods, details including the material and a sectional profile shall be submitted to and approved in writing by the Local Planning Authority. The rainwater goods shall be installed in accordance with the approved details.

GROUND:

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with Policy HE02 of the Thanet Local Plan and advice contained within the National Planning Policy Framework.

15 – Prior to the installation of any external lighting, full details of the external lighting, including their fittings, illumination levels and spread of light shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details.

GROUND:

To ensure that light pollution is minimised in the interest of the visual and residential amenities of the area, in accordance with Policy SE08 of the Thanet Local Plan.

16 – The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for

Sustainable Homes, unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

17 - The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110 litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

GROUND:

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110 litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

18 – If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

19 – No fans, louvres, ducts or other similar apparatus shall be installed externally in the building without the prior written approval of the Local Planning Authority.

GROUND:

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

20 – Prior to the first use or occupation of the development, the secure cycle parking facilities hereby approved shall be provided and thereafter maintained.

GROUND:

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

21 - No doors/windows associated with the development hereby approved shall open out over the highway.

GROUND:

In the interests of highway safety.

22 – Prior to the first occupation of the development hereby permitted, the refuse storage facilities, as shown on approved drawings shall be provided and thereafter maintained.

GROUND:

In the interests of residential amenity in accordance with Policies QD02 and QD03 of the Thanet Local Plan.

23 – Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include:

- Species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- The treatment proposed for all hard surfaced areas beyond the limits of the highway
- Walls, fences, other means of enclosure proposed
- Ecological enhancements to be provided within the site.

shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND:

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the National Planning Policy Framework.

24 – All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan.

25 – Prior to the commencement of the development hereby approved, details of the construction of the ceilings and floors that separate the (first floor residential units from ground floor commercial units) shall be submitted to and approved by the Local Planning Authority. The ceilings and floors shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels. The weighted standardised difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 16283-1:2014 Acoustics - Field measurement of sound insulation in buildings and of building elements Part 1: Airborne sound insulation. The work shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

GROUND:

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

26 – An acoustic assessment of compliance with condition (25) shall be submitted to the Local Planning Authority prior to occupation of the premises hereby permitted. Any further mitigation measures recommended in the assessment to meet the criteria stated within condition (25) shall be submitted in writing for the written approval of the Local Planning Authority within 1 month of the assessment. All works which form part of the approved scheme shall thereafter be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority and thereafter maintained.

GROUND:

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

27 – Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall be in accordance with BS5228-1:2009+A1:2014: Code of Practice for Noise and Vibration on Construction and Open Sites and IAQM Guidance on the Assessment of dust from demolition and construction 2014; the Plan shall include mitigation measures. The management plan shall also include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures
- (h) Access arrangements

The development should be carried out in accordance with the approved details.

GROUND:

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

28 – The demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment of the site has been made for the erection of the building hereby approved.

GROUND:

To safeguard the special character and appearance of the area as a Conservation Area in accordance with Policy HE02 of the Thanet Local Plan and the advice as contained within the NPPF.

29 – No development, excluding demolition, shall take place until details of the means of foul drainage have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

GROUND:

To protect the district's groundwater, in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

Upon being put to the vote, the motion was declared **CARRIED**.

Meeting concluded: 10:17pm

A02 **F/TH/22/1284**

PROPOSAL: Erection of 4no. 3 bed detached dwellings with associated access and landscaping following the demolition of a side extension to the existing dwelling.

LOCATION: The Old Forge High Street Garlinge MARGATE Kent

WARD: Garlinge

AGENT: Mr Jonathan Buckwell, DHA Planning

APPLICANT: Future Homes Residential Ltd

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 06B, 07, 08, 09, 10A, 11A, 12, 13, 14, 15 and 16 B.

GROUND:

To secure the proper development of the area.

3 The construction of the site shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

In the interests of highway safety, neighbouring amenity and heritage, in accordance with Policies QD03 and HE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

4 Prior to their installation written and illustrative details of the type of Electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the local planning authority before any of the units are first brought into use. The EVCP shall be maintained and kept in good working order thereafter as specified by the manufacturer.

GROUND:

To protect air quality, in accordance with Policy SE05 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

5 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing with the Local Planning Authority.

GROUND:

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

6 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110 litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

GROUND:

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110 litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

7 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

8 The areas shown on the approved plans for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

GROUND:

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

9 Prior to any above ground development of any dwelling hereby approved hereby approved the access shown on the approved plan 06B shall be constructed and thereafter retained for use by the approved dwellings.

GROUND:

In the interests of highway safety, in accordance with the advice contained within the National Planning Policy Framework.

10 Prior to the first occupation of the new units hereby approved the bin presentation area shown on plan reference 06B to serve those dwellings shall be provided and thereafter left available for use.

GROUND:

In the interests of highway safety, and the living conditions of future occupants, in accordance with Policy QD03 of the Thanet Local Plan, and advice as contained within the National Planning Policy Framework.

11 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

(i) archaeological field evaluation works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority;

(ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

GROUND:

To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

12 The drainage of the site shall be carried out in accordance with the drainage details received on the 21st September 2022 unless otherwise agreed in writing with the Local Planning Authority.

GROUND:

To protect the district's groundwater, and to ensure the development is served by satisfactory arrangements for the disposal of surface water ,in accordance with Policies SE04 and CC02 of the Thanet Local Plan and advice contained within the National Planning Policy Framework.

13 The external surfaces of the dwellings hereby permitted shall be built in accordance with the materials schedule submitted on the 19th January 2023 unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

14 Prior to the first use of the access road, hereby approved full details of the fence to its southern boundary shall be submitted to, and approved in writing by the the Local

Planning Authority. This fence shall be installed prior to the first use of the access and thereafter retained.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

15 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted,

- o the treatment proposed for all hard surfaced areas beyond the limits of the highway, including the area of parking for the old forge and bin presentation area.,

- o walls, fences, other means of enclosure proposed,

- o ecological enhancements to be provided within the site

shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND:

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

16 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

17 The bathroom and landing windows in the first floor rear elevation of unit 1 hereby approved shall be non-opening below 1.73m above the finished internal floor level, and provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent; and shall be installed prior to the first occupation of the development hereby permitted and permanently retained thereafter.

GROUND:

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

INFORMATIVES

Agenda Item 4

Please be aware that your project may also require a separate application for Building Control. Information can be found at:
<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:

<https://www.thanet.gov.uk/info-pages/planning-conditions/>

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by

the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

For the avoidance of doubt, the provision of contributions to as set out in the unilateral undertaking submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

Thanet District Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband.

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

SITE, LOCATION AND DESCRIPTION

This application relates to two application sites. The first application site is triangular in shape and is located to the southern edge of the built confines of Garlinge, to the south east of the private highway where the High Street meets Birds Avenue and approximately 30 metres east of the adopted section of the High Street. The application site currently comprises The Old Forge (a detached two storey dwelling), its garden and a number of ancillary residential outbuildings.

The site is bordered, along a southeast north west axis, by a public bridleway which links the High Street, Garlinge with Shottendane Road to the southeast. Open fields lie beyond the eastern boundary of the site which is densely vegetated as is the site's northern boundary which adjoins the garden of Forge Cottage. The urban area which is predominantly residential extends to the west, northwest and north.

The second application site is also essentially triangular and utilised for the parking of vehicles associated with The Old Forge.

RELEVANT PLANNING HISTORY

OI/TH/18/1233 - Outline application for the erection of 4 No two storey detached dwellings with access and parking. Approved 13th December 2018.

F/TH/14/0466 - Erection of two storey rear extension and erection of single storey rear extension following demolition of two storey and single storey rear extension. Approved 22nd August 2014.

OL/TH/99/050 - Outline application for erection of a detached house. Refused 27th January 2000.

OL/TH/90/0923 - Erection of a two storey building incorporating the existing forge. Refused 18th October 1990.

PROPOSED DEVELOPMENT

Planning permission is sought for the erection of 4 detached dwellings following the demolition of an existing side extension to The Old Forge.

The proposed dwellings would each be two storey 3 bedroom properties of a traditional style and form with a garden area and parking.

The removal of the side extension to The Old Forge would see its internal layout reorganised, but it would remain as a 3 bedroom property.

DEVELOPMENT PLAN POLICIES

- SP01 - Spatial Strategy - Housing
- SP13 - Housing Provision
- SP14 - General Housing Policy
- SP17 - Strategic Housing Site - Westgate on Sea
- SP26 - Landscape Character Areas
- SP27 - Green Infrastructure
- SP29 - Strategic Access Management and Monitoring Plan
- SP30 - Biodiversity and Geodiversity Assets
- SP35 - Quality Development
- SP36 - Conservation and Enhancement of Thanet's Historic Environment
- SP37 - Climate Change

SP43 - Safe and Sustainable Travel
SP44 - Accessible Locations
H01 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
HE01 - Archaeology
CC02 - Surface Water Management
SE04 - Groundwater protection
SE06 - Noise Pollution
SE08 - Light Pollution
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

Letters were sent to adjoining residents, a site notice posted close to the site and the application publicised in a local newspaper.

Nine representations have been received objecting to the application. Their comments are summarised below.

- * Inadequate access;
- * Inadequate parking provision;
- * Access over the unmade road during and after construction will cause it to deteriorate. The plans should upgrade the road;
- * Potential for existing bins and new bins to be blown over and rubbish spilt in the access road;
- * Bridal path should remain with full access from the High Street and the unmade Road;
- * Increase in traffic;
- * Loss of parking;
- * Close to adjoining properties;
- * Information missing from plans;
- * Loss of light;
- * Loss of privacy;
- * Noise nuisance during and after construction;
- * Not enough information given on application;
- * Object to the idea and location of the communal bin store - too far away from properties, problems with ownership, maintenance and disrepair, will block sight lines for pedestrians, vehicles (including refuse vehicles) and horses;
- * No more than 2 vehicles should park in the parking area for The Old Forge;
- * The use and accessibility of the driveway for no. 158 should be protected;
- * Unit1 will overlook our garden;
- * Request a restriction is imposed on plots 2 and 4 to prevent windows overlooking no. 158;
- * The shape of the application site is incorrect;

- * How will access to the bridleway and surrounding properties be maintained during construction?
- * Will KCC adopt the new street that is created?
- * Opening to the new road not wide enough;
- * There are already parking disputes in the surrounding areas, more cars will make this worse; and
- * The plans would work better if The Old Forge was completely removed.

CONSULTATIONS

Natural England: DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on coastal European Sites from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

Southern Water: Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

KCC Highways: Non protocol application.

Informatives:

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design

Process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

KCC Biodiversity: Under the Natural Environment and Rural Communities Act (2006), “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. In order to comply with this ‘Biodiversity Duty’, planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states that “Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that further information is sought with regards to the potential for ecological impacts to arise as a result of the proposed development.

Habitats and features including buildings, trees, hedges and grassland are present on and around the site, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision. As such, a preliminary ecological appraisal (PEA) must be undertaken by a suitably qualified, CIEEM registered ecologist, in accordance with good practice guidelines and must be submitted prior to determination of the planning application. The PEA will assess the habitats and features within and around the site and identify if there is a need for further ecological surveys to assess ecological value and/or confirm protected species presence/likely absence.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the PEA report, OR, if further surveys are required, an Ecological Impact Assessment (EclA) report, detailing all surveys and outcomes, must be sought as part of the planning application. This is in accordance with paragraph 99 of ODPM 06/2005 which states: “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”. An EclA is a process of identifying, quantifying and evaluating the potential effects of development on habitats, species and ecosystems, so providing all ecological survey information alongside any necessary avoidance, mitigation and compensation proposals within one document.

Thanet SAMM

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be considered when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMP there is a need for an appropriate assessment to be carried out as part of this application.

Biodiversity and Ecological Enhancements

One of the principles of the National Planning Policy Framework is that planning policies and planning decisions should contribute to and enhance the natural and local environment by "minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes. We advise that measures to enhance biodiversity are included within the submitted PEA/EcIA.

TDC Environmental Health: We do have some concerns regarding the possibility of the development being built on contaminated land and as such propose the following condition:

If, during development, significant contamination is suspected or found to be present at the site, then this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters.

Furthermore, we note the inclusion of Electric Vehicle Charging Points (EVCP) and recommend the following condition:

Prior to the commencement of the development hereby permitted, details of the electric vehicle charging points to be provided within the development, including their location and design, shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be provided prior to the first occupation of the respective units that they serve and thereafter maintained.

TDC Waste and Recycling: The position of the proposed bin store is over 20 metres from the public highway and, therefore, not acceptable.

COMMENTS

This application is reported to Planning Committee by Councillor Boyd for Members to consider the highway impacts of the proposal and its impact on the residential amenity of adjoining occupiers.

The main considerations with regard to the planning application are the principle of development; the impact upon the character and appearance of the local area; the impact

upon living conditions of the occupiers of neighbouring properties and future occupiers of the development; highway safety, biodiversity impacts, drainage and flood risk considerations together with Environmental Health considerations.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The application site is a mix of previously developed and non previously developed land, but within the settlement as defined by the Thanet Local Plan 2020. Policy SP01 of the Local Plan (Spatial Strategy - Housing) states that the primary focus for new housing development in Thanet is the urban area. Policy H01 (Housing Development) states that permission for new housing development will be granted on sites allocated for this purpose and on non allocated sites within the confines of the urban area and villages.

It is noted that the site lies at the northern end of one of the Council's Strategic Housing Allocations (SP17 - Westgate on Sea) for up to 2,000 dwellings and associated infrastructure. Whilst forming part of the allocated site, the site encompasses a self contained part of the allocation and is under separate ownership from the wider site allocation. A hybrid application was submitted in October 2020 for the strategic allocation (OL/TH/20/1400 refers) seeking permission for provision of up to 2000 residential units (including up to 100 Extra Care units), a care home (Use Class C2), two form entry primary school (Use Class F.1(a)), health facility (Use Class E(e)) and mixed use centre (Use Classes E(a-g)). The application site for OL/TH/20/1400 did not include the Old Forge, but would partially adjoin its southern and eastern boundaries. OL/TH/20/1400 is still under consideration by the Council, however, the development of this site would not compromise the ability of the wider site to meet the policy requirements or prejudice the scheme coming forward. It is not considered that the development proposed is contrary to the policy by virtue of not providing a masterplan and meeting the policy requirements for the 2,000 house scheme, given the definitive ownership separation between the site and the wider strategic development.

Furthermore, the council does not currently have a 5 year housing supply and, as such, the tilted balance set out in paragraph 11 of the National Planning Policy Framework applies. This states that applications for housing should be considered in the context of the presumption in favour of sustainable development. Paragraph 11 of the NPPF describes the presumption in favour of sustainable development and closes by saying that where development plan policies are out of date, planning permission should be granted "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be refused".

On that basis, it is considered that residential development on the site should be considered acceptable in principle.

Character and Appearance

Paragraph 130 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible.

Policy SP26 (Landscape Character Areas) states that development proposals should demonstrate how their location, scale, design and materials will conserve and enhance Thanet's local distinctiveness. The application site lies within the Central Thanet Undulating Chalk Farmland Area. This area is identified as agricultural land that performs a settlement separation function. These areas of high quality agricultural land are of value for farmland and roosting coastal birds. The openness and undeveloped character of the farmland contributes to the essentially rural character and relatively dark skies. Whilst Policy QD02 outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

The application site is part of the rear garden of an existing property (The Old Forge) which is located to the rear of properties in the High Street. It is noted that there would be views of the proposed development from the surrounding countryside and the adjacent bridleway. It is, however, considered that the proposed development would be seen against the existing development and would not extend into the open countryside to the south and east. Therefore residential development on the site would appear as a logical expansion of the urban environment and not as isolated development, subject to the design of dwellings and layout of the scheme.

The application, due to the existing dwelling, domestic boundaries and domestic paraphernalia and structures within its curtilage, is considered domestic in nature and currently makes a limited contribution to the wider countryside and landscape character area. As such, it is not considered that the proposed development, which would maintain the domestic nature and feel would have an adverse impact on the landscape character area.

The surrounding area, whilst mainly residential in character, has a varied character in terms of age, scale, form and orientation of properties. It is considered that the proposed development of four two storey dwellings of traditional design (pitched roofs with front gables) with associated parking and amenity space would respect the prevailing character of the area, which is generally traditional in form and materials.

The proposed development would make efficient use of the application site without appearing cramped and allows a private amenity to be retained to serve The Old Forge. The site plan indicates that landscaping will be retained to the east boundary of the site with the area maintained within the gardens of the proposed dwellings. It is noted that some trees to

the south of the application site to the side of The Old Forge will be removed to facilitate the creation of the new access road. These trees are not considered to be highly visible from public vantage points and are fairly small garden trees, some multi stemmed. Given this, it is not considered that they are of sufficient amenity value to be the subject of a preservation order and, as such, no objection is raised to their removal in this instance.

The applicants have advised that they propose to install a fence along the boundary of the drive and the bridleway. No objection is raised to the principle of a fence in this location given the many examples of boundary treatments in the area. It is, however, considered appropriate to secure details of the proposed fence via condition as well as the timing of its installation.

The applicants have submitted details of the materials proposed for the external surfaces of the proposed dwellings - red multi brick, black composite cladding, plain clay roof tiles and black UPvc windows and doors and rainwater goods. These materials reflect those found in the surrounding area and are considered appropriate for the proposed development.

Given the above, it is considered that there would be minimal harm on the wider landscape, including the Landscape Character Area, subject to safeguarding conditions.

The proposed changes to The Old Forge itself are considered to be acceptable in visual terms and materials utilised on these changes will match the existing materials on the dwelling.

The proposed parking and bin presentation area are generally utilised for this purpose presently and it is not considered that formalising the use of the area by introducing hard standing would have an adverse impact on the character or appearance of the area.

Living Conditions

Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Local Plan policies QD03, QD04 and GI04 are also relevant to this application. Policy QD03 (Living Conditions) states that All new development should: 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04. 3) Residential development should include the provision of private or shared external amenity space/play space, where possible. 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass. Policy QD04, requires all new residential development to meet the Nationally Described Space Standards and also a water efficiency standard. Policy GI04 states that new family dwellings (those with 2 or more bedrooms) will be expected to incorporate garden space in order to provide a safe "doorstep play area" for young children. With doorstep playspace being defined as playspace for young children

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which is immediately adjacent to, closely visible and safely accessible from the dwellings served.

It falls, therefore, to assess the impact of the proposed development on the residential amenities of surrounding occupiers and the standard of accommodation being proposed for future occupiers.

The nearest properties to the application site are nos 56 to 62 Brooke Avenue, nos 1 and 3 Brooke Close and 2, 4, 6 and 8 Roman Way which sit to the eastern boundary of the site, nos 160 and 162 High Street that sit to the southern boundary of the site, nos 150, 152, 154 and 156 High Street to its western edge and no 158 High Street to its north. The impact of the proposed development on the residential amenities of the occupiers of these properties will be considered in turn.

The rear boundaries of nos 56 to 62 Brooke Avenue site over 50 metres from the eastern boundary of the application site, with the rear wall of the dwellings some 17 metres further away. Given the distances involved it is not considered that there would be any adverse impact on the residential amenities of the occupiers of these dwellings.

Nos 1 and 3 Brooke Close are over 90 metres from the application site (rear boundary to the eastern boundary of the application site) as such, it is not considered that there would be any adverse impact from the development on the residential amenities of their occupiers. The rear of nos. 2, 4, 6 and 8 Roman Way are also over 90 metres from the application site's eastern boundary and their occupants would not be impacted by the proposed development.

The gardens of 160 and 162 are separated from the application site by the bridleway. No. 160 High Street is some 35 metres from the closest part of the vehicle parking spaces to serve proposed unit 1 and some 40 metres from the flank wall of that dwelling. No 162 would sit some 37 metres and 42 metres respectively from the same points. Given these distances it is once again considered that there would be no adverse impact on the residential amenities of the occupiers of these properties. The impact of the changes to The Old Forge itself also need to be considered here. It is noted that there would be a new dormer window in the side, but given that there is an existing dormer window in this location, it is not considered that there would be any reduction in the current level of privacy to these properties from the new dormer window to The Old Forge.

Nos. 150, 152, 154 and 156 High Street all front the High Street, but have rear boundaries with the rectangular part of the application site which is proposed to be utilised for vehicle parking for vehicles associated with The Old Forge and storage for bins from the 4 new dwellings on collection days. At their closest points they sit some 9.5m, 9.9 m, 8.7 and 8.7metres to this part of the application site. The proposed use of this part of the application site is similar to its current use and it is not considered that there would be any significant impact on the residential amenities of the occupiers of these dwellings from the proposal.

No 158 High Street and its garden sits to the north of the application site. Units 1 and 4 of the proposed dwellings would be located closest to the garden of no. 158 with unit 1 being located (at its closest point) some 19 metres from the rear flank wall of 158 and unit 4 (at its closest point) 36 metres from the rear wall of no. 158. Unit no 1 would has been positioned

to have its rear elevation facing the garden of no. 158 and its garden backing to no. 158 with its front to the proposed access road. Its garden would have a depth of approximately 6 metres from its rear wall. At ground floor level unit 1 would have doors serving its dining room and lounge opening up onto its garden with windows serving a bathroom, landing and bedroom in the rear elevation at first floor level. The bathroom and landing are not habitable rooms and it is considered appropriate in any case to condition that the bathroom and landing windows should be obscure glazed and high level opening only. It is, however, noted that the proposed bedroom window would be clear glazed to allow adequate light and ventilation for the future occupants of unit 1. The window would be located over 26 metres from the rear flank wall of no. 158 and it is noted that there are already windows at 1st floor level in no.12 Birds Avenue that directly look into the garden of no. 158. Given this, and the distance of the proposed bedroom window from the rear wall of no. 158, it is considered that on balance that the proposed development would not result in a loss of privacy to the occupiers of no.158, nor would the development result in an overbearing impact, sense of enclosure or loss of light due to its siting and distance from habitable accommodation in no.158.

All of the proposed dwellings would be served by a vehicle parking and have private amenity space. It is considered that all properties would achieve a high level of light and ventilation and meet the appropriate national space standards. The properties have been designed to avoid any mutual overlooking or sense of enclosure and it is considered that the proposed dwellings would provide a good standard of accommodation for future occupants. It is also noted that The Old Forge itself, following the demolition of its existing extension, would remain a family house served by a private amenity space and parking which would provide a good standard of accommodation for its occupiers.

A bin storage area for bins of the new properties to be stored on collection day has been provided within the development within the closest part of the application site to the High Street. TDCs Waste and Recycling Team have advised that the location of the proposed bin area, at over 20 metres from the public highway (in this instance High Street, Garlinge), is not acceptable. The applicant's agent has advised, however, that the bins for The Old Forge and neighbouring properties are collected from the existing parking area opposite the property by a smaller bin lorry which approaches along Birds Avenue from the north. As such, the current bin collection point is in a very similar location to the storage area now proposed and it is considered that the application proposal would not be materially different to the existing situation in terms of refuse collection location, albeit with additional properties to collect for. Concerns were also raised by local residents that the storage area was too far from the proposed dwellings that would use it and the possibility of it not being maintained. The area is proposed for presentation of bins on collection day and is within approximately 100 metres walking distance of proposed unit 4 which is the furthest unit from it and, as such, is considered an appropriate distance from the units it would serve on the weekly occasion it is used. Given its use on a regular basis, there is no reason to believe that it would be neglected or not looked after by its users. It is considered appropriate, however, to impose a condition to secure that this presentation area is provided prior to any of these dwellings being occupied.

Given the above, it is considered that the proposed development would meet the criteria of policies QD03, QD04 and GI04 and the guidance of the NPPF.

Highways

Paragraph 110 of the NPPF states that in assessing applications for development it should be ensured that adequate opportunities to promote sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111). Applications for development should give priority to pedestrian and cycle movements and secondly (as far as possible) facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility, create places that are safe, secure and attractive, allow for the efficient delivery of goods and access by service and emergency vehicles and be designed to enable charging of plug in and other ultra low emission vehicles (paragraph 112). These aims are reflected in the Council's Local Plan policies.

The site is located with good access to public transport services as well as being within walking and cycling distance of several schools and a range of shops. It has been concluded that the development would have a minimal impact on the operation of the road network and that trips by more sustainable modes such as walking, cycling and public transport can be accommodated on the existing local infrastructure.

Concerns have been raised by local residents about the impact of the proposal on traffic generation and parking in the surrounding area and its impact on the adjacent bridleway, as well as the impact of the proposed bin store on visibility.

The previous approved outline application OL/TH/18/1233 included details of the access into the site for four dwellings, which matches the proposed access for the current application. The supporting information for the previous application advised that the applicants had consulted KCC Highways and Public Rights of Way Team for pre-application advice. They set out a number of points in their pre-app responses, including that the additional movements generated from 4 new dwellings would be unlikely to have any notable effect on traffic movements, that the access road can accommodate an access into the site that would allow vehicles to pass one another and that there is sufficient turning and manoeuvring capacity within the site to allow vehicles to enter and leave in forward gear, 2 parking spaces should be provided per dwelling,, visibility splays provided, and the need to ensure that the bridleway is retained at a width of no less than 1.2m wide.

The current application also discusses the highway impacts of the proposal in the submitted Planning Statement and concludes that the access arrangements are the same as previously approved in the outline application, that each dwelling would be (Including The Old Forge) would be served by 2 vehicle parking spaces and that the bridleway is retained and not impacted by the development. Tracking diagrams have also been provided to support the application.

It is proposed that access would be taken along the side of The Old Forge which would necessitate the demolition of the existing side projection of the building. The access onto High Street Garlinge is an existing access which is used by a number of dwellings at the moment to access the road network, and it is not considered that the proposed development of 4 houses would generate a significant amount of traffic to result in severe harm to the highways network or safety.

Whilst there would be some increase in numbers of vehicular movements alongside the bridleway, it is not considered that this increase would be severe, given the limited number of dwellings proposed and low speed of any vehicular movements. It is not, therefore, considered that there would be any potential conflict from the proposed development for users of the bridleway. It is also noted that the bridleway is to be retained at the width required by KCCs Public Rights of Way Team.

The proposed development shows that each of the new dwellings would be served by two vehicle parking spaces within their curtilage with room for cycle parking within their amenity space or the dwellings themselves. The Old Forge would have 2 vehicle spaces within the rectangular part of the application site (which is currently used for parking of vehicles associated with that property) and that there is sufficient space for cycle storage either within the dwelling itself or the garden area retained to serve it. Two visitor parking spaces are also proposed within the application site.

Neighbours have also raised concerns about the bin store/collection point on the basis that it may have an adverse impact on sight lines for pedestrians, drivers and horse riders. From the plans submitted, the presentation point would be used on the day of collection for the occupants of the 4 new dwellings to place their bins ready for collection, given this and its location on an area which could be used for vehicle parking, it is not considered that there would be a severe impact from the proposed use of this area on sight lines and highway safety for the various users of the access.

Concern has also been raised about potential changes to the surface of the access to enhance its condition as a result of the proposed development. The condition of the access to the existing dwellings is a civil matter and not a planning consideration for this application, nor would the additional use result in demonstrable planning harm to be contrary to guidance or the local plan..

Ecology

The NPPF states at paragraph 175 that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF then states at paragraph 180 that "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

Thanet Local Plan Policy SP30 (Biodiversity and Geodiversity Assets) states development proposals will, where appropriate, be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets

resulting in a net gain for biodiversity assets. Sites should be assessed for the potential presence of biodiversity assets and protected species. For sites where important biodiversity assets, including protected species and habitats including SPA functional land, or other notable species, may be affected, an ecological assessment will be required to assess the impact of the proposed development on the relevant species or habitats. Planning permission will not be granted for development if it results in significant harm to biodiversity and geodiversity assets, which cannot be adequately mitigated or as a last resort compensated for, to the satisfaction of the appropriate authority.

KCC Biodiversity have reviewed the application and, having noted the well maintained nature of the application site, advise that an assessment is not required. They did comment on the amount of green space that would be lost to buildings, but do not object to the development. This is subject to the imposition of safeguarding conditions in relation to lighting designs and ecological enhancements.

Whilst the applicants have not submitted an Ecological Survey to support the application, it is noted that the application site is a residential garden which is mainly laid to lawn, contains a number of outbuildings and other domestic paraphernalia and has been regularly maintained, with the land adjoining the site has been intensively farmed for a number of years. As such, it is considered that the biodiversity potential of the site is low.

Given this, subject to the requested safeguarding conditions, it is not considered that there would be an adverse impact from the proposed development on ecology and biodiversity.

Archaeology

Paragraph 197 of the NPPF states that In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. It goes on (paragraph 199) to state that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.” In paragraph 202 the NPPF states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy HE01 of the Local Plan relates to Archaeology and states that the Council will promote the identification, recording, protection and enhancement of archaeological sites, monuments and historic landscape features, and will seek to encourage and develop their educational, recreational and tourist potential through management and interpretation.

Thanet is indeed considered to be rich in archaeology and KCC’s Archaeology Team commented on the previous application (OL/TH/18/1233) advising that their records show

that the site lies in close proximity to rich archaeological landscapes with significant cropmark sites to the south. They advise that a condition providing for the provision of archaeological evaluation followed by appropriate mitigation measures which may include design changes to achieve preservation in situ of important archaeology if found. These works would need to be carried out prior to the commencement of the development.

It is, therefore, considered that the impact of the proposed development on archaeology can be satisfactorily covered by the imposition of a planning condition on any grant of consent and no objection is raised in relation to this issue.

In recognition of the response from the KCC's Archaeological Team on the previous application, the applicants have recently submitted a Written Scheme for Investigation for an archaeological evaluation of the site for consideration in an attempt to avoid this being the subject of a pre-commencement condition. At the time of drafting the report, this submission was still under review by KCC's Archaeology Team and, it was considered appropriate to reimpose a pre-commencement condition for this document to be submitted and agreed with the Local Authority. Members will be updated of any changes in relation to this at the meeting if required.

Flooding and Drainage

Paragraph 159 of the NPPF refers that inappropriate development in areas at risk of flooding should be avoided. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

Policy CC02 (Surface Water Management) states that "New development is required to manage surface water resulting from the development using sustainable drainage systems (SuDs) wherever possible. SuDs design, together with a robust long term maintenance plan should be included as an integral part of the master planning and design process for new development and should, wherever possible, incorporate multi-functional benefits for people and wildlife.

The application is supported by a Drainage Strategy and Flood Risk Assessment. This concludes that the site lies within Flood Zone 1 and the proposed development is acceptable from a foul and surface water drainage perspective.

The site lies within Flood Zone 1 according to the Environment Agency's flood maps - land with the lowest risk of flooding - and the proposed development type (residential) is identified as "more vulnerable". Applying the requirements of the NPPF, it is not considered that the Sequential or Exception Tests are applicable to this scheme.

Southern Water have reviewed the application and the submitted Drainage and Flood Risk Assessment. They raise no objection to the proposal.

On the basis that no fundamental issues have been raised in relation to either flooding or drainage, it is considered that no objection is raised to the proposal in relation to flooding or drainage, subject to the details in the Drainage and Flood Risk Assessment being conditioned.

Other Matters

Thanet District Council has produced the Strategic Access Management and Monitoring Plan (SAMM) which focuses on the impacts of recreational activities on the Thanet Section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreational activities) and to comply with the Habitat Regulations a financial contribution is required to contribute to the district wide mitigation strategy. This is secured under policy SP29 of the Council's Local Plan. It is considered that the request meets the tests for inclusion within a S106 legal agreement/undertaking. An undertaking has been submitted to secure this contribution with an appropriate assessment undertaken under the Habitat Regulations.

The applicant has submitted a Construction and Environmental Management Plan (CEMP) which sets out how the project would be managed to ensure that works on site minimise disruption and disturbance to local residents and business in the surrounding area. It includes details of construction traffic routing, site security, working hours (8am to 6pm Monday to Friday and 8am to 1pm on Saturdays with no work on Sundays or bank holidays) amongst other details. The measures proposed are considered reasonable and would be expected to minimise disruption to surrounding residents and other occupiers during the construction of the proposed development. As such, it is considered appropriate to condition that construction works are carried out in accordance with the submitted CEMP.

The Council's Environmental Health team have requested that a condition is attached to any grant of planning permission requiring details of the proposed electric vehicle charging points, including their location and design, to be submitted to the Council for approval prior to the commencement of development and thereafter retained. It is noted that the location of the proposed charging points are shown on the submitted plans and their locations are considered acceptable. Given this it is considered appropriate to impose a condition that prior to their installation details of the design are submitted to the council for approval and that once installed they are permanently retained.

Conclusion

Given the need for housing in Thanet and the lack of a demonstrable 5 year supply of housing the proposal is considered against the criteria of sustainable development within the NPPF with regard to other material planning considerations.

The application site forms part of a strategic housing allocation within the local plan and whilst separate in ownership from the strategic development, it is not considered to prejudice the development of the strategic allocation. Given this, there is no objection to the principle of residential use of the site.

With the imposition of safeguarding conditions, it is considered that there would be no adverse impact on the character or appearance of the area, the living conditions of adjoining occupiers, highways or parking, biodiversity, archaeology, or drainage or flooding

In terms of the economic dimension of sustainable development the provision of 4 new dwellings would give rise to employment during the construction phase of the development, and is likely to result in an increase in the use of local services and facilities, both of which will be of benefit, albeit modest, to the local economy.

In terms of the social dimension of sustainable development the NPPF refers to the Government's objective of significantly boosting the supply of homes. The NPPF points out that 'small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly' and that 'development in one village may support services in a village nearby'

The scheme brings forward modest benefits with 4 additional market dwellings, a small contribution to market housing in the area, it is likely to support shops and services in Garlinge and further afield and it would allow increased social interaction between residents existing and new, and employment personnel albeit in a modest way.

There is a good level of local services and facilities available in Garlinge and surrounding areas, which can be reached on foot and by cycle. The site is considered to be in a sustainable location.

In terms of the environmental dimension of sustainable development the environmental issues are assessed in earlier sections of this report but to summarise, the proposal does not result in the loss of agricultural land, it is considered to make effective use of land, and the proposal offers the potential to improve biodiversity.

Overall it is considered that any harm is outweighed by the public benefits of the scheme as set out above. The development of four dwellings, in a sustainable location is considered to satisfy economic, social and environmental objectives as required by the NPPF and the development can constitute sustainable development.

Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that planning permission be approved.

Case Officer

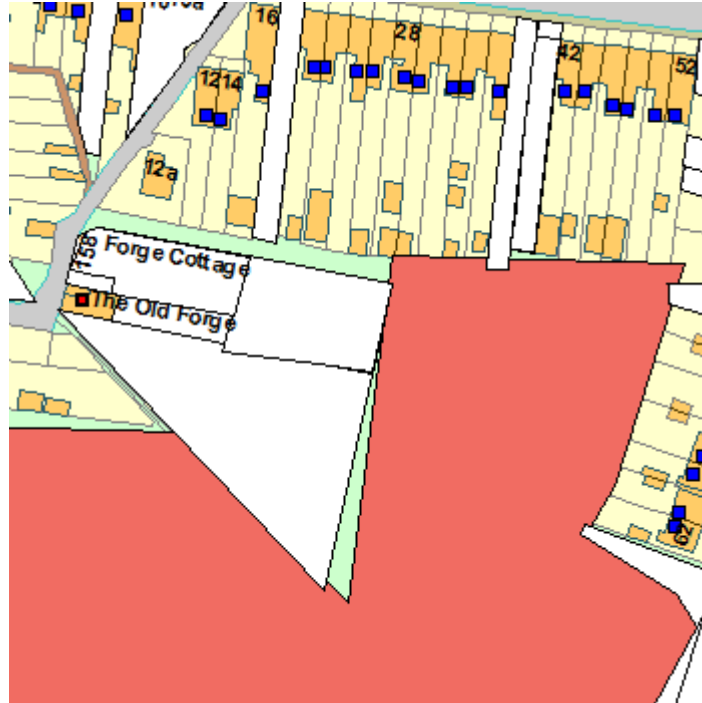
Annabel Hemmings

TITLE:

F/TH/22/1284

Project

The Old Forge High Street Garlinge MARGATE Kent



Planning Application OL/TH/21/1976 – All Saints Industrial Estate All Saints Road Margate

Meeting	Planning Committee – 19th April 2023
Report Author:	Duncan Fitt, Planning Officer
Planning Reference:	OL/TH/21/1976
Site Address:	All Saints Industrial Estate All Saints Road Margate
Applicant:	ROE Group SASS Pension
Status:	For Decision
Classification:	Unrestricted
Previously Considered by:	Planning Committee 14 December 2023, 15 March 2023
Ward:	Salmestone

Executive Summary:

This report concerns an outline planning application for the erection of 58 light industrial units (Use Class E(g)) and associated parking including access, appearance, layout and scale.

The application was reported to the Planning Committee on the 14th December 2022 and the 15th March 2023. At this latest meeting, a motion to approve the application subject to safeguarding conditions was voted down and, following an adjournment, a motion was passed to defer the application back to officers and bring back with potential reasons for refusal next month, and to go back to the applicant following the debate to seek a reduction in the number of units.

An additional amended plan has been provided reducing the number of light industrial units to 56 and providing two additional parking spaces.

The application is reported back to the Planning Committee for determination.

Recommendation:

Members approved the application for planning permission under reference OL/TH/21/1976 subject to the safeguarding conditions at Annex 1, with an update to condition 5 to include the amended plans reducing the number units to 56:

The proposed development shall be carried out in accordance (for access, appearance, layout and scale) with the submitted application as amended by the revised plans numbered 04, 05, 06, 07, 08, 09, 10, 11, 12, 13 and 15 received 23 December 2021, 20 received 16 August 2022, 18 Rev B and 19 Rev B received 20 October 2022 and 22 and J7/01043 received 16 February 2023. 01 Rev F and 17 Rev C received 28 March 2023 and 02 Rev A and 03 Rev A received 30 March 2023

GROUND; To secure the proper development of the area.

Corporate Implications

Financial and Value for Money

The Planning Committee is not bound to follow the advice of Officers. However, should Members decide not to accept the advice of Officers it should be mindful of the potential cost implications in doing so.

The advice from Central Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. An authority is considered to have behaved unreasonably if it does not produce evidence to substantiate each reason for refusal.

The advice outlined is that if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority. There are no funds allocated for any potential fines meaning cost awards will result in spend that is outside of the budgetary framework.

Legal

However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision.

The reasons for any decision must be formally recorded in the minutes and a copy placed on file.

If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.

Corporate

The delivery of new commercial units through the Local Plan and planning applications supports the Council's priorities of partnership working promoting Thanet's unique selling points to encourage local enterprise and inward investment, and promoting inward investment through setting planning strategies and policies that support growth of the economy.

Equalities Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy and maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.

1.0 Background

1.1 Members considered the application at the Planning Committee meeting on the 15th March 2023 for an outline application for the erection of 58 commercial units and associated parking including access, appearance, layout and scale (planning reference F/TH/22/0364). The application was recommended for approval subject to safeguarding conditions, following previous consideration at the meeting 14th December 2022. The motion to approve the application fell when put to a vote. Following an adjournment, a motion for officers to bring back the application the following month for potential reasons for refusal and to approach the applicant to seek a reduction in the number of units was carried.

1.2 The site is an allocated employment site under Policy E01, which supports uses falling within Use Classes B1 (Light Industrial), B2 (General Industrial) and B8 (storage and distribution) where they would not harm the living conditions of neighbouring occupiers of land or buildings. The proposed development is for units within the E(g) use class, specifically defined as either offices to carry out any operational or administrative functions, research and development of products or processes, or industrial processes, all of which to be carried out in a residential area without detriment to its amenity.

2.0 Amended Plans

2.1 Following the Planning Committee meeting on the 15th March the applicant and their agent met with Officers and amended plans were submitted. These amended plans have removed two units from the proposal (Previously number 7 and 8). The parking spaces for these units have been reallocated to general parking and two additional parking spaces have been created in this space. These amended plans follow the previous amendments which added an acoustic fence which is still included in this new proposal.

2.2 This amended plan has removed the proposed light industrial units closest to 12 and 13 Railway Terrace resulting in a separation distance of 9m between the closest industrial unit and the boundary with these properties and a total distance of 20m to the front elevation of the closest property on Railway Terrace. This increased distance will reduce any potential noise and disturbance, sense of enclosure or overlooking from the industrial units to these residential dwellings. The removal of these two units has also allowed for the addition of two extra parking spaces on the site.

2.3 The site is allocated for the retention as an employment site under policy E01 of the Thanet Local Plan. This policy supports uses falling within Use Classes B1 (Light Industrial), B2 (General Industrial) and B8 (storage and distribution) where they would not harm the living conditions of neighbouring occupiers of land or buildings. The Use Classes Order has been updated subsequent to the published Local Plan, with B1 uses now subsumed into class E (Commercial, Business and Service). The proposed development is for units within the E(g) use class, specifically defined as either offices to carry out any operational or administrative functions, research and development of products or processes, or industrial processes, all of which to be carried out in a residential area without detriment to its amenity. A previous application for three large units falling within light industrial, storage and distribution and general industrial uses was approved on the site (Application reference F/TH/16/0728) with two units located closer to Railway Terrace than this amended plan.

3.0 Potential reasons for refusal

3.1 The application site forms part of a strategic employment allocation within the local plan and there is no objection to the principle of employment use of the site. The development would result in economic and social benefits that come from the creation of commercial units, including anticipated job creation and general visual improvements from the development of a dormant site. In addition, the development would result in improvements to the existing employment site through enhancements to the vehicular and pedestrian access to the site and the formalisation of existing parking provision.

3.2 As outlined in the “Protocol for the Guidance of Planning Committee Members and Officers” as part of the Council’s constitution, if the Planning Committee is minded to refuse planning permission against officer advice the Planning Committee is required to give adequate and intelligible reasons on good planning grounds for refusing to grant planning permission and these ground(s) of refusal must be in the minds of members of the Planning Committee at the point of refusal.

3.3 Members have previously raised concerns about the impact of the new development on the nearest neighbours at Railway Terrace. The previous committee report has outlined the applicant has submitted a noise impact assessment and air quality assessment, which have been appraised by the Council’s Environmental Health team. These concluded that in terms of noise the development could slightly affect the acoustic character of the area, but not such that there is a change in quality of life. With regard to air quality the report concludes that the impacts of the proposed development would be below the relevant air quality objectives, meaning that the level of vehicle emissions when modelled would be within acceptable range to avoid harming air quality. These conclusions have been agreed by the Council’s Environmental Health Team who have raised no objection to the proposal, subject to conditions restricting the hours of operation and for cycle storage and electric vehicle charging to be provided prior to the first occupation of the units. The agent has also added a 2m high acoustic fence around the boundary of the site with the properties on Railway Terrace.

- 3.4 Following the receipt of amended plans, the nearest building from the development is 20m from the closest neighbour at 11 Railway Terrace. Due to this separation distance and the change in level between the side elevation of the closest unit and the front elevations of the properties on Railway Terrace, this amended proposal is not considered to result in any significant overlooking, loss of light, or sense of enclosure to these properties. In the professional opinion of officers it could not be considered a reasonable planning judgement that the development, by virtue of its scale, design or appearance, would result in harm to the living conditions of neighbours following the change to the plans. Therefore this would not be a justifiable reason for refusal.
- 3.5 The amended plans have also increased the amount of visitor parking on the site. Members have previously expressed issues regarding the ability for vehicles to manoeuvre within the new development and the wider site. The previous committee report outlined how tracking plans have been submitted by the applicant to demonstrate that articulated lorries accessing the existing neighbouring premises are able to turn within the triangular section of the site to the north east of units 1 and 4 so that they can enter and leave the site in a forward gear. Given the size of the individual units created, it is not expected that articulated lorries would access any of the new units due to their size, with no vehicular conflict occurring on the site to result in any demonstrable change to the freeflow of traffic on All Saints Avenue. In regard to the access, the expected trips generated by the development have been reviewed by KCC Highways, with no objection raised or points of concern. Given the anticipated distribution of vehicle movements throughout the day and the proposed improvements to this access, this proposal is not considered to significantly increase in pressure upon this access to result in harm to highway safety. In the absence of an objection from KCC as the Highway Authority or any tangible evidence of impact to the highway as a result of the development, it is not considered that there is a justified ground for refusal on highways impact.
- 3.6 In addition, the Council is at risk of having costs awarded against it, if, subsequently on appeal, it is unable to justify each ground of refusal. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. One of the aims of the costs regime, outlined by the National Planning Practice Guidance, is to “encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, not to add to development costs through avoidable delay”.
- 3.7 The proposed development is located on a site allocated for employment uses and has limited visibility from the public realm. This development would provide space for a large number of businesses to be located in a sustainable location as well as providing improvements to the accessibility of the existing industrial estate. The applicant has demonstrated through the submission of noise and transport assessments and additional amended plans that the proposed development would

not result in any significant noise and disturbance to the neighbouring residential properties or highway safety. Conditions would be applied to ensure that this proposal does not result in any significant harm to human health, biodiversity or flood risk. It is considered that following the submission of the amended plans and given the expert advice that has been provided by consultees that there is no justifiable reason for refusal for the application in the view of officers.

4.0 Options

4.1 Members approve the application following the reduction in number of units proposed subject to the safeguarding conditions in Annex 1 (updated to reflect the amended plans received 26th March 2023).

4.2 Members propose an alternative motion.

5.0 Recommendations

5.1 Officers recommend Members of the Planning Committee to agree option 4.1.

Contact Officer: *Duncan Fitt, Planning Officer*

Reporting to: *Iain Livingstone, Planning Applications Manager*

Annex List

Annex 1: Committee Report OL/TH/21/1976

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Annex 1

A01

OL/TH/21/1976

PROPOSAL: Outline application for the erection of 58 light industrial units (Use Class E(g)) and associated parking including access, appearance, layout and scale.

LOCATION: All Saints Industrial Estate All Saints Avenue MARGATE Kent CT9 5TJ

WARD: Salmestone

AGENT: Mr Ian Horswell

APPLICANT: ROE Group SASS Pension

RECOMMENDATION: Approve

Subject to the following conditions:

1 Approval of the details of the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

GROUND;

As no such details have been submitted.

2 Plans and particulars of the reserved matters referred to in Condition 1 above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

GROUND;

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

GROUND;

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

GROUND;

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

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5 The proposed development shall be carried out in accordance (for access, appearance, layout and scale) with the submitted application as amended by the revised plans numbered 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13 and 15 received 23 December 2021, 20 received 16 August 2022, 17 Rev B, 18 Rev B and 19 Rev B received 20 October 2022 and and 01 Rev E, 22 and J7/01043 received 16 February 2023.

GROUND;

To secure the proper development of the area.

6 No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles Flood Risk Assessment prepared by BJB dated May 2016 demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters and appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

GROUND

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF

7 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report for that phase, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

GROUND

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF

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8 Details pursuant to condition 1 (landscaping) shall show a permeable material for all hard surface areas to be created within the site.

GROUND

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF

9 Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details

GROUND

To protect vulnerable groundwater resources in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

10

No development shall commence until a site characterisation and remediation scheme has been submitted to and approved in writing by the Local Planning Authority and the remediation scheme has been implemented in accordance with the approved details. The site characterisation, remediation scheme and implementation of the approved remediation scheme shall be carried out in accordance with the following criteria (a) Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority, and shall include

- o A survey of the extent, scale and nature of contamination

- o An assessment of the potential risks to
- o Human health
- o Property
- o Adjoining land
- o Groundwaters and surface waters
- o Ecological system
- o An appraisal of remedial options and a recommendation of the preferred options

The site characterisation report shall be conducted in accordance with British Standards and current DEFRA and Environment Agency best practice.(b) Submission of remediation scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be

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undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.(c) Implementation of Approved Remediation Scheme The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority

GROUND

To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

11 No development shall take place until the method of piling foundations has been submitted to and agreed in writing by the Local Planning Authority. Any such piling shall thereafter be undertaken in accordance with the agreed details.

GROUND

To ensure that the proposed development will not cause harm to human health or pollution of the environment, , in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

12 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

GROUND

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

13 Details pursuant to condition 1 (landscaping) shall include details of, an ecologically-sensitive clearance method of the sparse grassland and open-mosaic habitat on the site.

GROUND

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

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14 Prior to the installation of any external lighting on the development hereby approved, a "lighting design strategy for biodiversity" for the site boundaries shall be submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
- c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

GROUND

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

15 Details pursuant to condition 1 (landscaping) shall include full details of ecological enhancements, required to be provided within the site to demonstrate net-gain to biodiversity to include an ecologically sensitive soft landscaping plan where vegetation is retained and enhanced on-site where possible.

GROUND

To ensure the site makes a positive contribution to biodiversity, in accordance with policy SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

16 Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures
- (h) Access arrangements

GROUND

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

17 Prior to the first occupation of the development hereby permitted, all off-site highway works as shown on approved drawing no. 01 Rev C and 17 Rev B received 20

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October 2022 unless otherwise agreed in writing by the Local Planning Authority, shall be completed and made operational.

GROUND

In the interests of highway safety and to mitigate any adverse transport impact in accordance with Policy TP01 of the Thanet Local Plan and the advice contained within the NPPF.

18 Prior to the first use of the site the vehicle loading/unloading and turning facilities shown on the submitted plan numbers 01 Rev C, 17 Rev B, 18 Rev B and 19 Rev B received 20 shall be provided and permanently retained.

GROUND

In the interests of highway safety, in accordance with Policy TP08 of the Thanet Local Plan.

19 Prior to the first occupation of the development hereby approved, details of the design of the electric vehicle charging points, to be located as shown on the approved plan numbered 01 Rev C, 17 Rev B, 18 Rev B and 19 Rev B received 20 October 2022 shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented and maintained as approved.

GROUND

To protect air quality, in accordance with Policy SP14, SP45 and SE05 of the Thanet Local Plan and the advice as contained within the NPPF

19 Prior to the first use of the development, the secure cycle parking facilities, as shown on approved drawing no. 01 Rev C, 17 Rev B, 18 Rev B and 19 Rev B received 20 shall be provided and thereafter maintained.

GROUND

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

20 The areas shown on the approved plan numbered 01 Rev C, 17 Rev B, 18 Rev B and 19 Rev B received 20 October 2022 for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided, prior to the first use of the development hereby permitted.

GROUND

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF

20 The premises hereby approved shall not be used other than between the hours of 0700 to 1800 Monday to Friday and 0900 to 1800 Saturday.

GROUND

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

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21 The development hereby approved shall be used as commercial units falling within Use Class E(g) and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

GROUND

To secure the proper development of the area in accordance with Thanet Local Plan Policies E01 and SP05.

22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no development shall take place under Class MA in Schedule 2 Part 3 of that order (or any Order revoking and re-enacting that Order) in relation to the development hereby approved.

GROUND

To secure the proper development of the area in accordance with Thanet Local Plan Policies E01 and SP05, which allocates the allocation site for employment uses only.

23 The development hereby permitted shall be constructed using brick, metal cladding, and glazed blocks, design and access statement received 26 January 2022 unless otherwise agreed in writing by the Local Planning Authority.

GROUND

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

SITE, LOCATION AND DESCRIPTION

The site comprises a former railway yard access from All Saints Avenue and located to the north and east of dwellings on Railway Terrace, All Saints Avenue, Mere Gate and Tivoli Park Avenue and to the south of the railway line. The site is largely open with hard surfacing and enclosed by a chain link fence. It appears that some open storage has been occurring on the site.

RELEVANT PLANNING HISTORY

F/TH/20/1765 - Erection of 2 no Industrial units comprising part light industrial (E(g)(iii)) part storage and distribution (B8) and 2 no industrial buildings comprising part light industrial (E(g)(iii)) part general industrial (B2) part storage and distribution (B8) with access and associated parking. Withdrawn 30 June 2021

F/TH/16/0728 - Erection of 2no. industrial units comprising part light industrial (B1) part storage and distribution (B8) and 1no. industrial building comprising part light industrial (B1) part general industrial (B2) part storage and distribution (B8) with access and associated parking. Granted 21 October 2016

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F/TH/08/1319 - Retention of part 2.7 Metre high fence with three strand crank barbed wire topping (with a pair of access gates) and part 2.4 Metre high palisade triple spike fencing. Granted 22 December 2008

PROPOSED DEVELOPMENT

This is an outline application for the erection of 58 commercial units and associated parking including access, appearance, layout and scale. The proposed units would be two storeys in height with full height glazing to the front elevation, roller doors and rooflights. The buildings would be constructed from brick and metal cladding and glazed blocks would be installed in the brick gables. The landscaping for the site would be considered in a reserved matters submission if outline permission is granted.

The initial application proposed a cafe within the site, however following concerns raised by officers regarding the location of this development it has been removed from the proposed plans. Amended plans have also been submitted during the application process altering the parking arrangements.

Following concerns raised by members further amended plans have been submitted providing additional parking on the site and clarifying access arrangements. The amended plans have also added an acoustic fence to the boundary of the site with railway terrace and a section has been provided to demonstrate the relationship of the proposed industrial units with these neighbouring properties.

DEVELOPMENT PLAN POLICIES

CC01 - Fluvial and Tidal Flooding
CC02 - Surface Water management
E01 - Retention of existing employment sites
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
GI06 - Landscaping and Green Infrastructure
SE03 - Land affected by Contamination
SE05 - Air Quality
SE06 - Noise Pollution
SE08 - Light pollution
SP35 - Quality Development
SP37 - Climate Change
SP43 - Safe and Sustainable Travel
SP44 - Accessible Locations
SP04 - Economic Growth
TP01 - Transport Assessments and Travel Plans
TP02 - Walking
TP03 - Cycling
TP04 - Public Transport
TP06 - Car Parking

TP08 - Freight and Service Delivery

TP10 - Traffic Management

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site.

15 letters of objection have been received raising the following concerns:

- Close to adjoining properties
- General dislike of proposal
- Inadequate access
- Increase danger of flooding
- Increase in traffic
- Increase of pollution
- More open space needed on development
- Noise nuisance
- Out of keeping with character of area
- Over development
- Strain on existing community facilities
- Traffic or Highways
- Highway safety
- Access for emergency services
- Air pollution
- Light pollution
- Loss of privacy
- Loss of a view
- Lack of parking
- Fire escape from neighbouring properties
- Contaminated land
- Impact upon biodiversity
- Inappropriate materials
- Out of keeping with the character of the area
- Refuse storage
- Hours of use
- Increase in anti-social behaviour
- Insufficient information on the application
- Affect local ecology
- Information missing from plans
- Not enough info given on application
- Over development
- Potentially contaminated land
- Residential Amenity
- Fire safety
- Loss of trees

- Proposed concrete retaining wall
- Development too high
- Loss of light
- Loss of parking
- Parking should be provided for existing residents
- Number of units proposed
- Site visit required
- Insufficient consultation
- Location of the acoustic fence

Two letters of support have been received, however these raise concerns about the size of the vehicles accessing the site and the loss of trees.

CONSULTATIONS

Environment Agency - Updated comments received 29 November

Based on the submitted information we consider that planning permission could be granted for the proposed development if the following planning conditions are included as set out below. Without these conditions, the proposed development poses an unacceptable risk to the environment and we would object to the application.

Condition 1

No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority (LPA). This strategy will include the following components:

1. A preliminary risk assessment which has identified:

all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site. (Note: the submitted Desk study report would fulfil this requirements, but as development may be undertaken by other parties who may not have rights to the report, this element of the condition should be retained until the full condition can be discharged)

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and

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identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the LPA. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework (NPPF).

Condition 2

Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria are met.

Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF.

Condition 3

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the NPPF.

The design of infiltration SuDS may be difficult or inappropriate in this location. We therefore request that the following planning condition is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 174 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

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Condition 4

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the LPA. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF.

Condition 5

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF.

Informative

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with our guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73". DoWCoP

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice: excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution. Treated materials can be transferred between sites as part of a hub and cluster project formally agreed with us.

Some naturally occurring clean material can be transferred directly between sites. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted

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We recommend that developers should refer to: the Position statement on the Definition of Waste: Development Industry Code of Practice and; The Environmental regulations page on GOV.UK

Further Information

The previous use of the proposed development site as a railway and goods sidings presents a risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon Principal chalk aquifer.

The reports submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the LPA.

In light of the above, the proposed development will be acceptable if planning conditions are included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 183 of the NPPF.

Without these conditions we would object to the proposal in line with paragraph 174 of the NPPF because it cannot be guaranteed that the development will cause or be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Initial comments

We have assessed this application as having a low environmental risk. We therefore have no comments to make.

KCC Biodiversity - No ecological information has been submitted with this application. Whilst a full ecological assessment may be unnecessary, we take the view that further ecology information (from a professional ecologist) should be provided.

This is because: - The sparse grassland (especially along the tree boundary) would appear suitable for reptiles. The 'open mosaic habitat', i.e., sparse ruderal vegetation and bare substrate, could be good habitat for invertebrates. - The proposed development would likely entail a loss of biodiversity/impact the surrounding habitats.

As such, we advise that prior to determination of the application, the following is provided: - An ecologically-sensitive clearance methodology. - Evidence that the development will entail a biodiversity net-gain. Given the type of the development, we strongly recommend that green, or 'living', walls and/or roofs are incorporated to offset the loss of ruderal vegetation.

We also recommend that a lighting condition is attached to any granted planning permission to limit the impacts to wildlife associated with the southern treeline and northern railway 'green' corridor.

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KCC Flood and Water Management - Updated comments received 25 November 2022

Kent County Council as Lead Local Flood Authority have reviewed the proposed amendments to the site layout as shown on the Site Plan drawings (3 Sheets, Revision B - 22/10/2022) and raise no objections to these changes. In view of this, the LLFA would refer back to our previous consultation response dated the 20th of April 2022

Updated comments received 20 April 2022

Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment prepared by BJB dated May 2016 and agree in principle to the proposed development.

The current surface water strategy proposes that surface water will be managed in two ways with the new impermeable area discharging into permeable paving with the existing surface water drainage remaining unchanged.

The information submitted to support the outline component of the planning application has demonstrated how surface water may be managed within an indicative layout. Given the high-level strategy presented:

1. We agree that the approach as outlined within the Flood Risk Assessment with infiltration via permeable paving is appropriate and demonstrates that surface water can be accommodated within the proposed development area.
2. We would refer the applicant to information within KCC's Drainage and Planning Policy Statement which describes policy in relation to drainage operational requirements and consideration of other matters in relation to layout and design.
3. We note that as permeable paving is proposed we would recommend that other underground services, such as foul sewers, are routed outside of areas of permeable paving or cross it in dedicated service corridors, particularly where sewers will be offered for adoption.
4. At the detailed design stage, we would expect to see the drainage system modelled using 2013 FeH rainfall data in any appropriate modelling or simulation software. Where 2013 FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2019). This should ideally include outputs for the 1,30 and 100 year storm events including the 20% and 40% climate change allowances being applied. Where there is any exceedance of the drainage network above the 30 year event, an exceedance plan should be provided illustrating where exceedance occurs and the extent and depth of flooding. Exceedance must be controlled within the site boundary.

Should your authority be minded to grant permission for the proposed development, we would recommend the following conditions are attached:

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Condition:

No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

Condition:

Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment prepared by BJB dated May 2016 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance): o that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters. o appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Condition:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the

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submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

Initial comments received 03 February 2022

Unfortunately no surface water drainage strategy has been provided for the proposed development. We would therefore recommend the application is not determined until a complete surface water drainage strategy has been provided for review.

At a minimum, a drainage strategy submission must comprise:

- A location plan
- A site layout
- A drainage proposal schematic or sketch
- A clear description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc.) Information to support any key assumptions (e.g. impermeable areas, infiltration rates etc.)
- Supporting calculations to demonstrate the drainage system's operation and drainage model network schematic
- Drainage strategy summary form (from our Drainage and Planning Policy Statement)
- Consideration of key questions and / or local authority planning policy requirements.

KCC Highways - *Comments received 23 February 2023*

I note the submitted documents, and my comments of the 14th November 2022 remain unchanged.

Comments received 14 November 2022

I note the submission of revised plans, which addresses my earlier concerns. The revised entrance will require a S278 agreement, should the LPA be minded to approve this application.

I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Submission of a Construction Management Plan before the commencement of any development on site to include the following: (a) Routing of construction and delivery

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vehicles to / from site (b) Parking and turning areas for construction and delivery vehicles and site personnel (c) Timing of deliveries (d) Provision of wheel washing facilities (e) Temporary traffic management / signage

- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the Electric Vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

NOTE: Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

Updated comment received 01 November 2022

The amended plans meet our requirements as raised in our last planning response. We would offer no further objection, subject to securing these and the access works by condition.

Comments received 05 September 2022

Further to our previous comments the applicant has submitted a Transport Assessment. Having assessed this I have the following comments to make:

The applicant states 'Little if any data appears to be available nationally regarding the traffic generation of such developments of very small business units, whether in comparable rural locations or otherwise'. However I was able to find 2 comparable sites on TRICS that provided the following peak time data:

08.00 - 09.00 arrivals 55 17.00 - 18.00 departures 73 Total movements over 12 hours (07.00 - 19.00) 550 (279 arrivals, 271 Departures)

Using these figures, the proposals will result in approximately 18 movements departing the site every hour outside of the evening peak. Taking these figures into account, and the possible distribution of the traffic to and from the site, I am content that no further

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assessment is required, and the proposals will not result in a severe impact on the local highway network.

Swept paths have been demonstrated for a 13 metre refuse freighter and these are acceptable.

There are a few issues that still need addressing:

1. Only two disabled parking bays are proposed, however a total of 7 are required, spread evenly throughout the site (4 designated spaces or 5% of the total parking allocation, whichever is the greater).
2. Two bicycle shelters are proposed with 6 bicycles in each one, however provision is required for 20 bicycles, for the whole site. This will need to be revised.
3. Electric Vehicle charging points are required at the ratio of 10% active spaces and 90% passive of the total parking allocation.
4. The submitted site plan does not indicate the requested dropped kerbs either side of the improved access (which should include tactile paving) or the length of footway to be improved for a distance of 10m either side of the access. This can be an indicative plan, as detailed drawings will be required as part of the S278 Agreement required for the improved access.

Initial comments received 14 February 2022

I have the following comments to make with respect to highway matters :-

- 1) The planning history on this site is noted, including a previous permission for the creation of several larger units to occupy the site with a mixture of general industrial and storage/distribution uses, weighted in favour of the latter. In my view, however, the matrix of development being proposed under this application is significantly different and thus warrants a more detailed assessment of the potential traffic impact of development. 58 individual business units, solely offering light industrial accommodation, has the potential to generate more trips in the local network peaks than what has previously been considered on this site. Trip generation and distribution should therefore be examined in a Transport Statement accompanying this application, which may in turn inform the need for any further assessment. I would welcome discussion with the applicant on parameters if they are so minded, although this point is the basis of a holding objection from us, until resolved. Considering the size of the units and parking accommodation on offer though, these would be highly unlikely to attract businesses requiring the operation of HGVs, so it is accepted that the additional vehicle movements would be predominantly cars and LGVs.
- 2) When inspecting the site access, where it joins All Saints Avenue, it has been noted that the footways either side of the access are in a poor state. If possible, we would like to request that new dropped kerbs be installed at this site, and resurfacing of the footway for a distance of 10 metres on approach to the access, due to the increased use of the access as a result of this development.

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3) Swept paths have been provided internally for a 10 metre rigid-axle HGV, which would need to be amended to show all movements at the access and internally for a 13 metre refuse freighter, which are in common use by the local operator.

Although none of the internal roads are being offered for adoption by the highway authority, for the sake of pedestrian safety I would recommend the addition of speed reduction measures on the main access road, which should be placed at intervals of no more than 40 metres for a design speed of 15-20 mph. Furthermore, I would recommend widening internal footways to a minimum of 1.5 metres to allow pedestrians to pass comfortably.

KCC Public Rights of Way - No comment

Natural England - NO OBJECTION Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Network Rail - *Update comments received 21 February 2023*

Due to the close proximity of the works to the railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.

To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website. This website also provides more information about our Asset Protection team and the services they offer.

Where applicable, the applicant must also follow the Asset Protection informatives. The informatives are issued to all developments within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

Initial comments received 01 December 2022

Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast@networkrail.co.uk prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More

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information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

The applicant / developer must also follow the attached Asset Protection informatives which are issued to all proposals within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

Southern Water - Please see the attached extract from Southern Water records showing the approximate position of our existing public foul sewer within the access of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note: - The public foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access. - No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water. - No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer. - All existing infrastructure should be protected during the course of construction works.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" (southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf) and the Sewerage Sector Guidance (water.org.uk/sewerage-sector-guidance-approved-documents/) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

Further, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network.

This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for part of the development to connect with the current capacity in the network pending network reinforcement. Southern Water will review and advise on this

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following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for large developments our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24-month period:

- Initial feasibility, detail modelling and preliminary estimates. - Flow monitoring (If required) - Detailed design, including land negotiations. - Construction.

Southern Water hence requests the following condition to be applied: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should: - Specify the responsibilities of each party for the implementation of the SuDS scheme. - Specify a timetable for implementation. - Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. It should be noted that under the Water Industry Act 1991 it is an offence to "throw, empty, turn or permit to be thrown or emptied or to pass into any drain or sewer

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connecting with a public sewer any matter likely to injure the sewer or drain or to interfere with the free flow of its contents.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

TDC Environmental Health - Additional comments received 04 October 2022

I have reviewed the AQ assessment and accept the methodology, assessment criteria and conclusions and have no further concerns / comments in this regard.

Updated comments received 30 August 2022

Thank you for consulting Environmental Protection on the noise impact assessment dated 11th August 2022 undertaken by Anderson Acoustics. I have had the opportunity to review the report and am satisfied with the methodology used to assess the impacts and recommend that the following conditions are attached to safeguard neighbouring dwellings from potential unreasonable noise disturbance.

Condition - Operational Hours

The proposed operating hours of the site shall be:

0700 - 1800 hours Monday to Friday

0900 - 1800 hours Saturday

1000 - 1600 hours Sunday for retail uses only

Condition - Site Management Control

Roller shutter doors shall be fully closed to avoid unnecessary noise break-out during noisy activities.

Units 13, 14, 15 and 16 shall only be occupied by low-noise generating uses and prior approval obtained by the LPA.

All site occupants shall be reminded within their lease agreement that they are operating in proximity to residential dwellings and must not undertake noisy works externally.

Condition - Noise Limit

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Prior to any noise generating fixed mechanical plant being installed, to any of the units hereby permitted, a noise impact assessment shall be submitted to and approved by the LPA. The rating level of noise emitted from the any plant and equipment to be installed on the site shall not exceed the background noise level (LA90,T) or 35dB A,r, whichever is highest, at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

Initial comments received 10 February 2022

A Phase 1 Land Contamination Assessment was undertaken by BJB Consulting back in May 2016. The conclusions are accepted along with the recommendation for a phase 2 to assess potential contamination.

Therefore the following condition is recommended:

Intrusive Investigation

a) An intrusive investigation and updated risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

Human health;

Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;

Adjoining land;

Ground waters and surface waters;

Ecological systems;

(iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

b) If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a

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timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

c) Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

The following assessments are required up front as they may impact on the proposal and it's design.

Noise

Although the site has a long history of industrial use, the application seeks an intensification of the number of units which could impact on surrounding dwellings. In accordance with Policy SE06 the application must be accompanied by a noise impact assessment and a noise mitigation scheme.

The noise impact assessment shall have regard to BS4142:2014, World Health Organisation and BS8233:2014 guidelines and BS5228 for construction noise impacts.

Air Quality

As a major development proposal an air quality assessment and emission mitigation assessment must be undertaken to assess and offset impacts. The Emission Mitigation Assessment shall include measures that go further than 10% parking spaces with EV as this is a standard condition and mitigation should be in addition.

Condition: Air Quality and Emissions Mitigation Assessment

An Air Quality Assessment in accordance with Defra's Technical Guidance LAQM TG(16) and an emissions mitigation assessment in accordance with Thanet District Council's Air Quality Technical Planning Guidance shall be submitted and approved in writing by the Local Planning Authority. The assessment shall also include the assessment of PM2.5 and cumulative impacts of any permitted major development. The air quality assessment shall include details of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of this development. The emissions mitigation assessment shall include a damage cost assessment that uses the DEFRA emissions factor toolkit and should include details of

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mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation.

COMMENTS

This application has been brought before members by Cllr Farrance to consider the traffic impacts, flood risk, emergency access and whether this proposal constitutes overdevelopment.

Principle

The site is allocated for the retention as an employment site under policy E01 of the Thanet Local Plan. This policy supports uses falling within Use Classes B1 (Light Industrial), B2 (General Industrial) and B8 (storage and distribution) where they would not harm the living conditions of neighbouring occupiers of land or buildings. The Use Classes Order has been updated subsequent to the published Local Plan, with B1 uses now subsumed into class E (Commercial, Business and Service). The agent has confirmed that the proposed development is for units within the E(g) use class, specifically defined as either offices to carry out any operational or administrative functions, research and development of products or processes, or industrial processes, all of which to be carried out in a residential area without detriment to its amenity.

The principle of development is therefore considered acceptable subject to all other material considerations.

Character and Appearance

The site is surrounded on all sides by existing dwellings, the railway line and existing industrial properties and is accessed by one road that widens as you enter the site. Due to this position the site is not highly prominent from the public realm.

There would be views from the surrounding residential properties into the site and this development would represent a visual change from the existing hard surfacing and open storage to a formal industrial site. The loss or alteration of private views is not a material planning consideration.

The existing access road to the site would be resurfaced and a footpath would be formed along the side of this road that connects to the existing footpath on All Saints Avenue. The proposed buildings would be two storeys in height with an industrial appearance and set in five rows. They would have full height glazing to the front elevation, roller doors and rooflights. The buildings would be constructed from brick and grey metal cladding and glazed blocks would be installed in the brick gables. An area of green space would be provided at the northern end of the site and a concrete retaining wall would be formed along the south western side of the site. The proposed materials are considered appropriate for the commercial context of the site and these would be conditioned as set out in the design and access statement. There is limited green space currently on the site and therefore the addition of this space is considered to be a benefit. The proposed retaining wall due to its position within the site would have limited visibility from the public realm.

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The proposed acoustic fence would be 2m high, located on top of the proposed retaining wall and would extend around the boundary of the site with the properties on Railway Terrace. Given this position it is not considered to be highly prominent from the public realm.

Concern has been raised regarding the impact of the development in views from the railway line and Dreamland. Trees and soft landscaping are located along the boundary of the site with the railway and the area currently has an industrial context. Views from trains passing along the railway line are considered to be fleeting in nature and any views from Dreamland or neighbouring properties on the northern side of the railway line would be at a long distance and viewed across the railway line.

Concern has been raised regarding the impact of the development upon the remaining railway building on the site. No alterations are proposed to this building as part of this development and the proposed access road would be located between this building and the proposed industrial units. This building does appear to be of some historic merit, however it does appear to have undergone a number of alterations and there are other commercial buildings and development located around this building. It is therefore considered that whilst there would be a change in the context of this building, given the separation distance provided by the access road and the limited visibility of this building from the public realm, this development would not result in any significant harm to the character or appearance of this building.

The development would result in a visual change to the site, however given its enclosed arrangement and the limited public viewpoints, it would not result in any significant harm to the character and appearance of the area. It would appear compatible with the other adjacent buildings and is appropriate for the context of the site, and overall would be in accordance with Policy QD02.

Living Conditions

At the closest point there is a separation distance of 2.5m from the proposed buildings to the boundary with the site and a total separation distance to the closest residential properties, Railway Terrace, of 7.3m. The properties on Railway Terrace have front gardens facing towards the application site and there is a change in levels between the site and these dwellings (with the residential properties at an elevated level). A section plan has been provided showing the relationship between unit 8 and 12 Railway Terrace which would be located closest together. The proposed buildings would be oriented northwest/ southeast in the site and an area of neighbouring industrial space would remain between the south east boundary and the neighbouring properties on Mere Gate.

Due to the northwest/southeast orientation of the proposed units and their arrangement in rows they would primarily face towards each other and onto the access into the site. No windows are proposed in the south west side elevations of the units and no windows are proposed in the rear elevations of 7 and 8 at the northern end of the site and units 53 to 58 at the southern end of the site. Units 14, 15 and 16 would face towards Railway Terrace, however none of the units proposed on the site contain a mezzanine or first floor and these residential properties are set at a higher level than the site. The submitted section shows a

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change in levels of 2.2m between unit 8 and 12 Railway Terrace with the proposed 2m high acoustic fence to be installed on top of the proposed retaining wall. It is therefore considered that given the location of the proposed units and the arrangement of the site, they would not result in any significant loss of light, outlook or privacy to the neighbouring residential properties.

The applicants agent has confirmed that the use class for the proposed units would be E(g) which includes; "Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes

E(g)(iii) Industrial processes"

Concern has been raised regarding the potential for the proposed development to result in noise and disturbance to the neighbouring residential properties.

A Noise assessment has been submitted during the application process and reviewed by the Council's Environmental Health Department. The assessment includes a baseline noise survey, with the 3d noise model generated based on worst case scenario assumptions applying industry specific standards. This report has considered opening hours of 0700 - 1800 hours Monday to Friday 0900 - 1800 hours Saturday 1000 - 1600 hours Sunday for retail uses only (the retail use has subsequently been removed from consideration). The submitted report concludes that there would be no observed adverse effect, meaning that noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. The development could slightly affect the acoustic character of the area but not such that there is a change in quality of life.

This report has also made a number of other recommendations including:

Roller shutter doors should be closed as much as possible to avoid unnecessary noise break-out during noisy activities.

Units 13, 14, 15 and 16 shall only be occupied by low-noise generating uses and prior approval obtained by the LPA.

All site occupants shall be reminded that they are operating in proximity to residential dwellings and must not undertake noisy works externally.

Prior to any noise generating fixed mechanical plant being installed, to any of the units hereby permitted, a noise impact assessment shall be submitted to and approved by the LPA. The rating level of noise emitted from any plant and equipment to be installed on the site shall not exceed the background noise level (LA90,T) or 35dB A,r, whichever is highest, at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

The Council's Environmental Health Department has agreed with the methodology and conclusions of the noise assessment. They have recommended that the proposed openings

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hours are conditioned and a noise impact assessment is completed prior to any fixed mechanical plant being installed to the units in addition to the recommendations from the noise assessment outlined above.

Informatives can be added to the decision advising the applicant of the need to keep roller shutter doors closed, and that non-noisy works should not be completed externally, however it is considered that these recommendations and the recommendation for units 13, 14, 15 and 16 to only be occupied by low-noise generating uses would not meet the tests for a condition as they are not specific or enforceable.

Following the concerns raised by members the submitted amended plans also include the provision of a 2m high acoustic fence around the boundary of the site with the properties on Railway Terrace.

The noise assessment outlines that the proposed use would not significantly alter the acoustic character of the area and the proposed hours of use, which would also exclude any operation on Sundays, are considered to be appropriate and suitable given the existing industrial character of the site. Any additional external plant to the units is likely to require further applications for planning permission. It is therefore considered that, subject to safeguarding conditions, the proposed development would not result in a significant degree of noise and disturbance to the neighbouring residential properties.

Transportation

The site is located in a highly sustainable location close to local facilities and public transport links and is occupied by a number of industrial and commercial uses of varying sizes. The existing access to the site is in a poor state or repair with no footpaths. This application would resurface the access into the site and provide a footpath on the southern side of the access into the site, benefiting highway safety.

Following concerns raised by members an additional eight parking spaces have been added to the site giving a total 146 spaces on the site. Two parking spaces would be provided for each unit and a number of visitor parking spaces along the access road. Each unit would have electric vehicle charging facilities and visitor electric vehicle charging stations would also be provided. Seven disabled parking spaces, four cycle parking shelters that could contain up to six bikes and 59 electric vehicle charging spaces would be provided within the site. The extensions to the pavement are also shown on this plan which would be agreed as part of a Section 278 agreement under the Highway Act between the applicant and KCC as the highway authority.

KCC Highways have reviewed the application and the submitted transport assessment (submitted during the application process). Concerns were raised about the detail of the report that has been submitted, however on further review of data from similar sites they consider that no further assessment work is required. The total number of vehicular parking spaces on site has been considered to be sufficient to avoid a significant increase in on-street parking outside the site, whilst no objection is raised regarding the layout for vehicles manoeuvring within the site to be able to leave the site in a forward gear.

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The existing access to the site is used by customers, deliveries and staff for a number of businesses located to the east of the application site. The amended plans have added tracking plans confirming that articulated lorries would be able to continue to be able to turn within the triangular section of the site to the north east of units 1 and 4 so that they can enter and leave the site in a forward gear. The applicant's agent has confirmed that articulated lorries would not be able to access the individual rows serving the proposed units. Given that articulated lorries could continue to turn in the site, away from the highway for both the existing and proposed units this arrangement is not considered to result in any demonstrable harm to highway safety. The expected trips generated by the development has been reviewed by KCC Highways and given the distribution throughout the day and the proposed improvements to this access, this proposal is not considered to significantly increase in pressure upon this access to result in harm to highway safety.

On this basis, it was concluded by KCC Highways that the proposal would not result in a severe impact on the local highway network. There is no requirement for the applicant to provide parking for existing neighbouring properties within the site.

On the basis of the sustainable location of the site, the improvements to the access and subject to conditions securing the provision and permanent retention of the parking and manoeuvring areas, electric vehicle charging points and cycle parking, this proposal is not considered to result in any significant increase in demand for on street parking or harm to highway safety.

Flood and Water Management

Concern has been raised regarding the potential for this development to result in an increased flood risk to the surrounding area. The site is located within flood zone 1 which means that it has a low probability of flooding. The applicant has also submitted a flood risk assessment, created in 2016 in relation to the previous proposal, which has been reviewed by KCC Flood and Water Management. KCC have agreed with the approach outlined within the Flood Risk Assessment with infiltration via permeable paving and consider that it demonstrates that surface water can be accommodated within the proposed development area. They have recommended conditions requiring full details of the proposed sustainable drainage system to be submitted prior to the commencement of the development. The landscaping of the proposal is a reserved matter, meaning that the details must be provided prior to any development commencing on the site. The applicant's agent has confirmed that the surfacing of the site can be conditioned to be a permeable surface and has also agreed to the submission of the details of the sustainable drainage system prior to the commencement of development.

Southern Water have also reviewed the application and advised that the existing infrastructure on the site would need to be protected and that they would provide additional network reinforcement if required. The applicant would need to submit an application to Southern Water for a connection to water supply and sewers and would agree to phasing of these connections directly. An informative would be added advising the applicant of the need for grease traps in the kitchens of any units. Therefore, through the required application to Southern Water, sufficient capacity within the network must be in place prior to a connection being made.

Therefore, subject to the conditions detailing the proposed drainage for the site and securing permeable paving to manage surface water flows, and separate consent processes under the Water Industry Act 1991, this proposal is not considered to result in an increased flood risk or any drainage issues.

Contamination

Historically the site was in use as a railway siding, and therefore has potential for the land to be contaminated. The applicant submitted a Phase 1 Land Contamination Assessment that has been assessed by the Council's Environmental Health Department and the Environment Agency.

Concern has been raised regarding the age of this report and that it relates to a different planning application. The condition or use of the site does not appear to have significantly changed since this report was undertaken and the development currently proposed on the site is a similar industrial use to that previously proposed (previously B1/B2/B8 now E(g)). It is therefore considered that this report is suitable. The Environmental Health Department also agrees with the conclusions of the report in the current context. Furthermore this report is a desk based assessment and recommends that phase 2 intrusive investigation is completed on the site to fully assess any potential contamination and establish any remediation that may be required, prior to commencement of development of the approved scheme. Both the Environmental Health Department and the Environment Agency have raised no objection to the development subject to the investigation and a verification of any required remediation being secured by condition and restrictions upon infiltration and piling on the site. These conditions are considered sufficient to ensure that the development on the site does not result in significant risk to human health and the environment.

Air Quality Assessment

An air quality assessment has been submitted during the application process based on the potential impacts of existing and future traffic levels on the proposed industrial units. This report considers receptors on the roads within the site which are changing in traffic level as a result of the development, as well as existing receptors on Canterbury Road. This report concludes that the impacts of the proposed development would be below the relevant air quality objectives, meaning that the level of vehicle emissions when modelled would be within acceptable range to avoid harming air quality. This report has been reviewed by the Council's Environmental Health Department who have raised no further comments regarding the impact of this development upon air quality. Cycle parking and electric vehicle charging points are included throughout the site for both occupants and visitors and would be secured by condition. It is therefore considered that following the submission of the air quality assessment and subject to the required conditions the proposed development would have no significant impact upon air quality, in line with policy SE05 of the Thanet Local Plan and the National Planning Policy Framework.

Biodiversity

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KCC Biodiversity have reviewed the application and consider that there is some limited areas around the edges of the site that have the potential for biodiversity that could be lost as a result of the development. They have indicated that an ecologically-sensitive clearance methodology, details of biodiversity net-gain and details of the proposed lighting should be submitted to ensure that there is no significant impact upon protected species or biodiversity in the area. Whilst they have indicated that the ecologically-sensitive clearance methodology and information on ecological enhancements should be submitted prior to the determination of the application, it is considered that this information could be secured through conditions, including requirements on the landscaping to be submitted at reserved matters stage (therefore prior to the commencement of development).

Following the submission of the amended plan removing the proposed cafe from the site and introducing an area of open green space in its place along with additional planting throughout the site it is considered that ecological enhancements would in principle be achieved without green roofs. Full details of the proposed planting will be considered through the landscaping submission as part of a reserved matters application.

Subject to these conditions and given that the site is largely hard surfaced and part of an existing industrial site, this development is not considered to result in significant harm to biodiversity in the area.

Other Matters

Concern has been raised by occupiers of Railway Terrace that this development and the proposed retaining wall would block access into the site as a method of fire escape from these neighbouring residential dwellings. The site is private property and there is no requirement for property owners to provide access for neighbouring property occupiers. Railway Terrace is accessed by a set of stairs on All Saints Avenue adjacent to the access to the site and this proposal would make no alterations to this existing situation. If there is a right or access over the site this would be a separate legal matter that falls outside of the planning system.

Fire safety in relation to the construction of the proposed development would be covered by Building Regulations.

Refuse Storage and disposal would be the responsibility of the occupiers of each unit and as this is a commercial development private waste disposal would be required.

Concern has been raised regarding the requirement for a site visit and the consultation that has been completed on the application. A site visit has been completed by the Case Officer and letters were sent to all neighbouring properties and everyone that had commented on the application providing the opportunity to comment on the amended plans that had been submitted following the committee meeting on the 14th December 2022.

Conclusion

The proposed development is located on a site allocated for employment uses and has limited visibility from the public realm. This development would provide space for a large

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number of businesses to be located in a sustainable location as well as providing improvements to the accessibility of the existing industrial estate. The applicant has demonstrated through the submission of noise and transport assessments and additional amended plans that the proposed development would not result in any significant noise and disturbance to the neighbouring residential properties or highway safety. Conditions would be applied to ensure that this proposal does not result in any significant harm to human health, biodiversity or flood risk. It is therefore considered that the economic benefits of the development would outweigh the limited harm and it is recommended that members approve the application.

Case Officer

Duncan Fitt

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TITLE: OL/TH/21/1976

Project All Saints Industrial Estate All Saints Avenue MARGATE Kent CT9 5TJ



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THANET DISTRICT COUNCIL

PLANNING COMMITTEE

19TH APRIL 2023

BACKGROUND PAPERS TO SCHEDULE OF APPLICATIONS

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended)

(A) Standard Reference Documents - (available for inspection at the Council offices and via thanet.gov.uk and gov.uk)

1. Thanet District Council Local Plan and associated documents.
2. Cliftonville Development Plan Document
3. Broadstairs and St Peters Neighbourhood Plan
4. The National Planning Policy Framework and the National Planning Practice Guidance issued by the Ministry of Housing, Communities and Local Government.

(B) Register of Applications for Planning Permission (Article 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015))

(Copy of applications together with accompanying plans or drawings are available for inspection via the Council's website <https://planning.thanet.gov.uk/online-applications/> or at the Council offices)

(C) Background Papers in relation to specific reports in the Schedule of Planning Applications

(Copies of background papers and any appeal decisions referred to are available via the Council's website <https://planning.thanet.gov.uk/online-applications/>)

I certify that the above items are not exempt information.

(D) Exempt information in accordance with paragraph of Schedule 12 (A) of the Local Government Act 1972.

N/A

I certify that the above items are exempt information.

Prepared by: IAIN LIVINGSTONE



SIGNED:.

Proper Officer

DATE:11th APRIL 2023

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THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

PART A

TO: THE PLANNING COMMITTEE

DATE: 19 April 2023

Application Number	Address and Details	Recommendation
A01 R/TH/22/1650	Land At New Haine Road RAMSGATE Kent	Approve
MAJOR	<p>Reserved matters application for the approval of layout, scale, landscaping and appearance for the erection of 117no. dwellings (Phase 2) including infrastructure, earthworks, drainage, equipped play and associated access pursuant to Hybrid planning permission F/TH/21/0417 comprising of outline planning with all matters reserved (except for access) for up to 322no. residential dwellings, and full planning for 178no. residential dwellings (Phase 1)</p> <p>Ward: Northwood</p>	
A02 FH/TH/23/0138	54 Stone Road BROADSTAIRS Kent CT10 1DZ	Approve
	<p>Erection of two storey front and rear extensions together with 4 roof lights, front flat roof porch and first floor rear balcony and alterations to fenestration and materials</p> <p>Ward: Bradstowe</p>	
A03 FH/TH/23/0121	85 Salisbury Avenue Broadstairs Kent CT10 2EB	Approve
	<p>Extension and alteration of roof together with erection of dormers to side and rear elevations to facilitate loft conversion and alterations to</p>	

fenestration

Ward: Viking

A04 F/TH/22/1638

**Pier Head Shelter The Harbour
BROADSTAIRS Kent CT10 1EU**

Approve

Erection of single storey front, side and rear extensions to existing restaurant together with landscaping and seating areas

Ward: Bradstowe

A05 L/TH/23/0164

**Public Conveniences Stone Pier
MARGATE Kent CT9 1AP**

Approve

Application for Listed Building Consent for installation of replacement entrance doors and internal alterations

Ward: Margate Central

A06 F/TH/23/0216

**Nethercourt Touring Park
Nethercourt Hill RAMSGATE Kent
CT11 0RX**

Approve

Erection of 1.9 metre high wall to Nethercourt Touring Park boundary between Nos 17 and 24 Kendal Close

Ward: Nethercourt

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

PART B

TO: THE PLANNING COMMITTEE

DATE: 19 April 2023

Application Number	Address and Details	Recommendation
R07 FH/TH/23/0031	Little Upton Vale Road BROADSTAIRS Kent CT10 2JJ Erection of a detached single storey, pitched roof, outbuilding (retrospective) following the demolition of existing outbuilding Ward: Viking	Refuse Permission

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A01 **R/TH/22/1650**

PROPOSAL: Reserved matters application for the approval of layout, scale, landscaping and appearance for the erection of 117no. dwellings (Phase 2) including infrastructure, earthworks, drainage, equipped play and associated access pursuant to Hybrid planning permission F/TH/21/0417 comprising of outline planning with all matters reserved (except for access) for up to 322no. residential dwellings, and full planning for 178no. residential dwellings (Phase 1)

Land At New Haine Road RAMSGATE Kent

WARD: Northwood

AGENT: No agent

APPLICANT: Mrs Karen Dunn, BDW Homes

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby approved shall be carried out in accordance with the submitted drawings:

2205.01 Planning layout Rev P
2205.Win.01 Winterton Rev C
2205.Win.02 Winterton Rev B
received 11 April 2023

2205.03 Materials Plan Rev D
2205.04 Street Scenes Rev C
2205.TEW.01 Tewksbury & Coach House Rev E
2205.TEW.02 Tewksbury & Coach House Rev D
2205.TEW.03 Tewksbury & Coach House Rev C
2205.THA.01 Thanet Rev C
2205.THA.05 Thanet 3-Block Rev B
2205.WES.01 Westbrook Rev B
2205.WES.02 Westbrook Rev B
2205.WES.03 Westbrook Rev B
received 16 March 2023

2205.THA.06 Thanet 3-Block Rev B
2205.THA.07 Thanet 3-Block Rev B
received 12 January 2023

2205.SG.01 Single Garage Rev A

2205.TG.01 Twin Garage Rev A
2205.ALD.01 Alder Rev A
2205.ALD.02 Alder Rev A
2205.CUL.01 Culver Rev A
2205.CUL.02 Culver Rev A
2205.ELM.01 Elmswell Rev A
2205.ELM.02 Elmswell Rev A
2205.ELM.03 Elmswell Rev A
2205.FOX.01 Foxglove Rev A
2205.FOX.02 Foxglove Rev A
2205.FRA.01 Frampton Rev A
2205.FRA.02 Frampton Rev A
2205.HAZ.01 Hazelborough Rev A
2205.HAZ.02 Hazelborough Rev A
2205.HAZ.03 Hazelborough Rev A
2205.N2B4.01 Type C Rev B
2205.N2B4.02 Type C Rev B
2205.THA.02 Thanet Rev B
2205.THA.03 Thanet Rev A
2205.THA.04 Thanet 3-Block Rev A
2205.WES.04 Westbrook Rev A
2205.WYC.01 Wychwood Rev A
2205.WYC.02 Wychwood Rev A
2205.CS.01 Cycle Store Plots 276 - 293 Rev A
2205.CS.02 Cycle Store Plots 188- 193 Rev A
2205.CS.03 Cycle Store Plots 263- 274 Rev A
2205.BS.01 Bin Store 282 - 287 Rev A
2205.BS.CS.01 Bin / cycle store plots 197 - 187 Rev A
received 09 January 2023

GROUND;

To secure the proper development of the area.

2 Prior to the first occupation of the development hereby permitted, the access and access roads as shown on the submitted plan numbered 2205.01 Rev P shall be provided and made operational.

GROUND:

In the interests of highway safety in accordance with the advice contained within the NPPF.

3 Prior to the first occupation of any dwelling within the development hereby permitted, the vehicle parking spaces relating to that dwelling, including the garage and car port, and visitor parking spaces, as shown on the approved plan numbered 2205.01 Rev P shall be provided and permanently retained.

GROUND:

In the interests of highway safety in accordance with the advice contained within the NPPF.

4 Prior to the first use of the development hereby permitted, the vehicle turning facilities as shown available on the approved plan numbered 2205.01 Rev P shall be provided and permanently retained.

GROUND:

In the interests of highway safety in accordance with the advice contained within the NPPF.

5 Visibility and pedestrian visibility splays shall be provided to the access roads and parking areas in accordance with plan numbered 22040-SK02C. The visibility splays shall thereafter be maintained.

GROUND:

In the interest of highway safety in accordance with the advice contained within the NPPF.

6 Prior to the commencement of the development hereby permitted, details of the electric vehicle charging points to be provided within the development, including their location and design, shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be in the form of one active charging point per allocated parking space for the flat units, one active charging point per ten unallocated parking spaces and one active charging point per dwelling. The electric vehicle charging points shall be provided prior to the first occupation of the respective development it serves and thereafter maintained.

GROUND

To protect air quality, in accordance with Policy SE05 of the Thanet Local Plan and the advice as contained within the NPPF.

7 Prior to the first occupation of any dwelling/unit within the development hereby permitted, the refuse storage facilities relating to that dwelling/unit shall be provided and thereafter maintained, in accordance with the approved plans numbered 2205:01 PL Rev P, 2205.BS.01 Rev A, and 2205.BS.CS.01 Rev A.

GROUND:

To safeguard the residential amenities of future occupiers in accordance with Policy QD03 of the Thanet Local Plan.

8 Prior to the first occupation of the development hereby permitted, details of the secure, covered cycle parking facilities to serve each unit, shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided prior to the first occupation of each associated unit, and in accordance with the approved details, and thereafter maintained.

GROUND:

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

9 Prior to the first occupation of each block of self-contained flats, the doorstep playspace area associated with that block shall be made available for use, and fully

enclosed with high hooped top railings a minimum height of 1.2m, as shown on plans numbered 2205.06 Rev D and 2205.B.06. The playspace and boundary treatment shall thereafter be maintained.

GROUND:

In order to provide a safe doorstep play area in accordance with Policies QD03 and GI04 of the Thanet Local Plan.

10 Prior to the construction of the external surfaces of the development hereby approved, samples of the materials to be used, as shown on plan numbered 2205.03 Rev D, shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

11 Prior to the installation of the windows and doors hereby approved, details and manufacturer's specification of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

12 All new window and door openings shall be set within a reveal of not less than 100mm.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

13 The hard and soft landscaping works shall be provided in accordance with the following details:

- Landscape plan sheet 1 of 3 numbered CSA/5866/110 Rev A;
- Landscape plan sheet 1 of 3 numbered CSA/5866/111 Rev A;
- Landscape plan sheet 1 of 3 numbered CSA/5866/112 Rev A;
- Boundary treatment plan numbered 2205.06 Rev D;
- 1.8m brick pier wall and fence numbered 2205.B.01 Rev A;
- 1.8m screen boundary fence plan numbered 2205.B.02;
- 450mm knee rail plan numbered 2205.B.03;
- 0.9m high railings numbered 2205.B.04;
- Gate plan numbered 2205.B.05;
- 1.2m high hooped top railings plan numbered 2205.B.06.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

14 Prior to the commencement of development hereby permitted, an ecological design strategy, which outlines how the proposal accords with the details as set out within section 11 of the Biodiversity Net Gain Preliminary Design Assessment (Bakerwell October 2021), and the mitigation measures as set out within Section 9 of the submitted Ecological Assessment (Bakerwell, March 2021), along with an updated biodiversity net gain assessment, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND:

In the interests of preserving and enhancing biodiversity and ecological potential, and to adequately integrate the development into the environment, in accordance with Policies QD02 and GI06 of the Thanet Local Plan and the National Planning Policy Framework.

SITE, LOCATION AND DESCRIPTION

The site is located on the edge and south of Westwood Town Centre. To the west of the site is phase 1 of the hybrid application (which this application is submitted in pursuant of), which has been approved and is under construction, and consists of development up to 3-storey in height. To the east of the site is Jackey Bakers Recreation Ground. To the south-west of the application site is an area that has planning permission for 186no. commercial units up to 3-storey in height; and to the south/south-east of the site is a range of commercial/educational uses, including Marlowe Innovation Centre, Royal Harbour Academy, Eurokent Business Park, and Laleham Gap School (which is directly opposite the site to the south), which range in design, height and scale, but again provide for up to 3-storey height development. The application site is undeveloped land, which has been cleared and fenced off in preparation for development works.

RELEVANT PLANNING HISTORY

F/TH/21/0417 - Hybrid planning application comprising outline planning with all matters reserved (except for access) for up to 322no. residential dwellings with associated open space, infrastructure and earthworks; and full planning for 178no. residential dwellings (Phase 1) with associated open space, equipped play area, landscaping, parking, infrastructure and earthworks. Granted - 04 April 2022

OL/TH/20/1435 - Hybrid application for outline permission (phase 2) for the erection of 54no. commercial units (Use Class E(g)), with all matters reserved, except access and; full application (phase 1) for the erection of up to 132no. commercial units (Use Class E(g)), and cafe (Use Class E(b)), within 1no. 2-storey building and 2no. part 2-storey, part 3-storey buildings, with associated parking and landscaping, and vehicular access onto New Haine Road. Granted - 17 May 2021

R/TH/17/1485 - Reserved matters application for the approval of access, layout, scale, landscaping and appearance for the erection of 54 dwellings (Phase 1) pursuant to outline

planning permission OL/TH/11/0910 for mixed-use development. Granted - 28 February 2018

OL/TH/11/0910 - Application for outline planning permission for mixed-use development for up to 550 dwellings; up to 63,000sqm Class B1 business floorspace; car showroom; a new local centre comprising up to 2,000sqm convenience retail (class A1, A2, A3), community facilities up to 5,000 sqm (class D1/D2) and community healthcare up to 1,200sqm (class D1); and associated highway works with all matters reserved. Refused - 16 October 2013. Allowed at Appeal.

PROPOSED DEVELOPMENT

The application is for the erection of 117no. dwellings, including 31no. 1-bed, 15no. 2-bed, 58no. 3-bed, and 26no. 4-bed. The buildings are all 2-3 storey in height, and to be constructed using two different bricks, two different roof tiles, and black cladding. The development includes flat blocks to the front of the site fronting New Haine Road, and detached, semi-detached and terraced dwellings to the rear.

A single vehicular access point into the site is proposed. In terms of parking, each dwelling is provided with 2 off-street parking spaces, with the flats provided with single off-street parking spaces, and 27 visitor parking spaces are provided.

0.81 ha of open space is provided, which is all located towards the north of the site within the linear park. The density of development proposed is 45 dwellings per hectare.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

SP01 - Spatial Strategy - Housing
SP02 - Implementation
SP09 - Westwood
SP14 - General Housing Policy
SP22 - Type and Size of Dwellings
SP23 - Affordable Housing
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP34 - Provision of Accessible Natural and Semi-Natural Green Space, Parks, Gardens and Recreation Grounds
SP35 - Quality Development
SP38 - Healthy and Inclusive Communities
SP41 - Community Infrastructure
SP43 - Safe and Sustainable Travel
SP45 - Transport Infrastructure
HO1 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
GI06 - Landscaping and Green infrastructure
QD01 - Sustainable Design

QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
HE01 - Archaeology
CC02 - Surface Water Management
CC04 - Renewable Energy
CC05 - District Heating
SE04 - Groundwater Protection
SE05 - Air Quality
SE08 - Light Pollution
CM01 - Provision of New Community Facilities
TP01 - Transport Assessments and Travel Plans
TP02 - Walking
TP03 - Cycling
TP04 - Public Transport
TP06 - Car Parking

REPRESENTATIONS

Neighbouring occupiers have been notified and a site notice posted. Four letters of objection have been received raising the following concerns:

Loss of privacy for children at school,
Noise and visual distraction during construction works,
Increased traffic,
Impact upon safety of children,
Increased pollution and impact upon air quality.

Ramsgate Town Council - raises concerns that the Noise Impact Assessment should be independently assessed due to the DCO.

CONSULTATIONS

KCC Highways -
(Final Comment)

Further to previous correspondence dated 6 April 2023, updated plans and tracking have been submitted. The tracking has been amended to illustrate that a 13 metres refuse freighter can access and turn within the site, in line with Thanet Waste and Recycling vehicle specifications. The tracking (drawing reference: 22040/DSP01-F) illustrates that a refuse freighter can turn within the site. The turning areas have been illustrated with a 1 metres service margin which is acceptable and would allow for any degree of error to ensure conflicts do not occur. This is especially prevalent where visitor parking is proposed at the end of turning areas, such as in the vicinity of Plot 236 and 208. I can confirm that the tracking illustrated is now considered acceptable.

(Further Comment)

Further to previous comments dated 6 March, additional details and updated plans have been submitted.

It is noted that the extent of block paved shared space has been reduced. As previously noted, I understand the aesthetic wishes of alternatives to tarmac, the paving represents a maintenance liability. A 1 metres service margin is indicated at all shared spaces, including turning areas. While a dedicated footway is not proposed, the service margin is acceptable and revised surface treatments is acceptable. The full details of the raised table will need to outlined as part of the Section 38 submission.

Tracking has been illustrated for a refuse freighter, fire tender and a private car. It is noted that the refuse freighter illustrated is 11.2 metres in length where as Thanet District Council require access for a 13 metres long vehicles to be demonstrated.

A total of 34 visitor spaces are proposed across the site, (19 in the southern section and 15 in the northern section. The 20% additional visitor space requirement equates to 23 spaces. The layout provides 11 additional spaces to offset the proposed tandem parking arrangements. While this does not meet the exact 0.5 offset, we are seeking a pragmatic approach to ensure a layout that is not car dominated while acknowledging the need for additional spaces to ensure that hazardous parking is minimised. Therefore, I am minded to accept the parking provision outlined.

(Initial Comment)

Having discussed the plans with our Agreements Engineer, the plans indicate that the extent of adoptable highway has a considerable extent of block paved shared space. I would suggest that the amount of block paving is reduced as this represents a maintenance cost and liability to the Local Highway Authority. I understand the aesthetics, but suggest that an alternative surface is used at least at the main access and a standard raised table is considered.

I would welcome a review of the shared space, and suggest that footways are proposed on one side of the carriageway. Shared surfaces should have a minimum of 1 metres wide service margin either side, including around turning heads. Whilst this has been illustrated the swept path drawings indicate overrun and potential conflicts.

There is a large proportion of tandem parking, especially in the northern section of the site. 33 tandem spaces out noted overall, where an additional 0.5 parking provision is required to offset this. 19 tandem parking spaces are outlined in the northern section of the site, with 4 visitor parking spaces. Overall the visitor parking provision requires reviewing, as the current provision falls short of the additional 0.2 provision.

The turning area at Plots 236 is constrained and represents a tight turning area, especially if the visitor spaces are occupied. The turning area at Plot 208 represents a tight manoeuvre. I acknowledge that this is a shared space with a service margin, there is potential conflict if the visitor space is occupied.

All parking spaces abutting a boundary appear to be widened to 2.7 metres in width, which is acceptable. A 1 metre buffer is provided at the end of aisle spaces to enable sufficient turning, which again is acceptable.

I shall welcome a review of the visitor parking provision, and the surface treatments to reduce the amount of shared space / block paving provided.

KCC PROW - No objections

Environment Agency - No comments

Southern Water - Southern Water would have no objections to the reserved matters application submitted by the applicant.

The proposed method of foul disposal is satisfactory to Southern Water (Phase 2). An approval for the connection to the public sewer should be submitted under Section 106 of the Water Industry Act.

KCC SUDs -

(Final Comment)

Kent County Council as Lead Local Flood Authority have reviewed the additional drainage documentation uploaded to the portal and would consider our previous consultation response addressed (08/02/2023).

The latest Schematic Drainage Strategy Plan drawing (Revision D- 17/03/2023) supplied informs us that the drainage components on site are to still feature permeable paving systems for parking courtyard areas, below ground cellular attenuation tank, attenuation basin and two deep bore soakaways.

Whilst the LLFA no longer raise objection to the details presented, we do highlight a discrepancy between the hydraulic calculations undertaken in Causeway (24/02/2023) and the supporting drawings. The latest Schematic Drainage Strategy Plan drawing (Revision D- 17/03/2023) and Schematic Impermeable Area Plan (Revision A-21/03/2023) are dated later than the completion of the modelling and as such are based upon a slightly older version of the proposed layout.

This difference has resulted in the modelling utilising different contributing/impermeable area values at various manholes across the network. Overall, there would appear to be a reduction in impermeable areas in the latest layout (Revision D) over the modelling provided (1.756 ha in modelling against 1.637 ha). With this small reduction, we would view that there would be no substantial impacts to the overall performance of the network for the range of storm scenarios examined.

On this basis, the LLFA consider that this point can be managed as part of condition 23 (detailed surface water drainage) and raise no further objection to the approval of the reserved matters for phase 2.

(Initial Comment)

Kent County Council as Lead Local Flood Authority have the following comments: Unfortunately, there is presently insufficient information submitted to recommend the

determination of this reserved matters application. The submitted Schematic Drainage Strategy Plan (prepared by Banners Gate, May 2022) varies from the Proposed Surface Water Drainage Strategy (prepared by Charles & Associates, November 2020) which was submitted as part of the outline planning application. As such, we would recommend the application is not determined until further details have been provided for review to confirm the drainage strategy will be appropriate for the development:

- A summary statement or covering letter giving an overview of the proposed sustainable drainage system.
- 'For construction' drainage layout drawings, annotated with pipe numbers, manhole cover and invert levels and key drainage features (such as attenuation devices, flow controls, soakaway locations etc.). General arrangement drawings of key drainage features or structures should also be provided.
- Information to support any key design inputs (e.g. greenfield and / or brownfield run-off rate calculations, existing and / or proposed impermeable area plan, ground investigation logs and infiltration test results (where applicable)).
- Final full network calculations and model details to demonstrate the drainage system's operation and performance for the critical duration 1 year, 30 year, 100 year +20% and 100 year +45% storm intensities.
- A description of the measures included within the drainage scheme to manage the quality of surface water runoff so that the receiving groundwater is adequately protected against pollution.
- An approximate timetable for the implementation of the drainage system during construction of development.
- A description of the SuDS components associated with the proposed drainage system and the key features that affects their operational performance if not properly maintained. This should be accompanied with a drawing which shows the drainage arrangement.
- Details of the operation and maintenance activities associated with each of the SuDS. This should consider the frequency of inspections and the types of maintenance activities required on a regular, periodic or remedial basis.
- Details of who will undertake inspections and maintenance activities. This should include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

In this instance no information has been submitted with respect to the proposed maintenance of the drainage system.

We would highlight the importance of submitting sufficient detail to fully address the requirements of the reserved matters application.

KCC Biodiversity -

(Final Comment)

We have reviewed the submitted plans with the document submitted as part of application F/TH/21/0417. A review of the plans indicate that there has been an increase in open space within the site and the detailed plans demonstrate that the habitats to be created will be habitats that benefit protected/notable species.

A review of the satellite photos confirm that the management of the site has not changed since planning permission was granted and therefore the mitigation agreed as part of the outline application is still valid. As such we are satisfied that no updated survey ecological information needs to be submitted as part of this application.

When we previously commented we raised concerns that no details had been provided within the submitted documents detailing what ecological enhancement features will be incorporated into the buildings and open space. An ecological design strategy has been submitted and it has detailed the following will be implemented:

- 20 integrated bat bricks
- 20cm gaps under fencing to enable movement of badgers and hedgehogs
- 3 log piles and 3 hibernacula in the open space
- 10 bird boxes in the open space
- 1 kestrel box
- 20 integrated swift bricks

The ecological design strategy is required as part of C26 (F/TH/21/0417) . We advise that we will comment on detail on the ecological design strategy when C26 is submitted to be discharged. We advise prior to the submission of C26 a plan is included into the document clearly setting out where the enhancements will be located.

(Initial Comment)

We have reviewed the submitted plans with the document submitted as part of application F/TH/21/0417. A review of the plans indicate that there has been an increase in open space within the site and the detailed plans demonstrate that the habitats to be created will be habitats that benefit protected/notable species.

A review of the satellite photos confirm that the management of the site has not changed since planning permission was granted and therefore the mitigation agreed as part of the outline application is still valid. As such we are satisfied that no updated survey ecological information needs to be submitted as part of this application.

No details have been provided within the submitted documents detailing what ecological enhancement features will be incorporated into the buildings and open space. Prior to determination we recommend that an ecological enhancement plan is submitted to demonstrate what features will be incorporated into the site.

Environmental Health - A construction noise impact assessment was submitted at outline stage; this was consulted on at the time. The assessment undertaken on 9 th November 2021 undertaken by AACON UK set out appropriate mitigation to minimise impacts to the nearby SEN school.

The assessment was carried out in accordance with BS5228 – ‘Code of Practice for noise and vibration control on construction and open sites’ and uses worst case assumptions for noise impact modelling. All three parcels of development land have been considered and the various phases of construction.

The recommended mitigation measures, including erections of an acoustic fence, were included the CEMP required by condition 42. The CEMP dated Oct 22 has been submitted, agreed and discharged CON/TH/22/0914.

TDC Housing Officer - Within Thanet District Council Local Plan (adopted July 2020), SP23 requires residential schemes of 10 or more units to provide 30% of the dwellings as affordable housing, including extra care facilities falling under the Use Class C3. To be policy compliant, a contribution of 30% affordable housing (AH) across the 117 units (Phase 2) is required. The 30% AH shall be split 70% Affordable Rent (AR) and 30% Shared Ownership (SO) which equates to 35no. AH units - split 25no. AR and 10no. SO. The exact tenure split can be confirmed during the course of the application process.

In the submitted Design and Access statement for the Proposed Residential Development, Phase 2, Euro Kent, New Haine Road, Issue 2, dated October 2022, created by Sten Architecture on behalf of David Wilson Homes, on page 12 it states the following:

Upon review of the Phase 2 Design and Access Statement (October 2022) the indicative affordable housing mix is reflective of TDCs SHMA (Strategic Housing Market Assessment) findings and the overarching housing needs across the district; however, in the submitted Planning Layout Phase 2, drawing no. 2205:01 PL, Rev L, dated Jan 20 it states the following:

This table indicates that the proposal is offering 2no 4-bed units, which is different to the submitted Design and Access statement, which states 2no 3-bed homes. Although it is roughly acceptable, as it meets the wider overarching housing needs of the district as identified in the LAHS, it would be advantageous if you could please confirm the exact mix. Additionally, it would also be advantageous if you could also confirm the exact tenure split for phase 2.

Natural England - No objection subject to securing appropriate mitigation

TDC Waste and Recycling - As with all new developments we wish to be kept advised of progress. As always we have concerns around access, parking, street furniture placement and residents being moved onto the site prior to building works being completed. For us to collect we will need to see proof of vehicle tracking, site completion and will need to make a site visit prior to collections starting.

Kent Police - We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as local Designing out Crime Officers to address CPTED. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behavior (ASB), Nuisance and Conflict.

If this application is to be approved, then we strongly request a Crime Prevention Condition be included to address the points below and show a clear audit trail for Design for Crime

Prevention and Community Safety to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF). Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We request a condition for this site to follow SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

For residential developments we recommend;

1. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways to have secure side gates, which are lockable from both sides, located flush to the front building line.
2. To meet SBD guidance we would strongly recommend the installation of pavements on both sides of the roads to avoid vehicle and pedestrian conflict, and promote safer spaces for families. It is now common practice to have some shared vehicle/ pedestrian areas on secondary routes. If pavements cannot be installed in these shared spaces we strongly recommend traffic calming measures, especially where there is a curvature in the road.
3. Parking areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
4. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
5. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: "18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided." Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.

6. Play areas must have a self-closing gate to keep animals out and ensure young children cannot leave the area unsupervised. Play equipment must be vandal resistant (and if made of wood, fire resistant) and not provide areas of concealment or an informal storage area for offenders or materials of crime. We recommend the sales team advise potential buyers of the plots close to the play area of it's location, which would otherwise be missed from the plan. By informing them at this stage, this reduces the possibility of future conflict and/or noise complaints.

7. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors and individual flat entrance doors to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please note PAS 24 is a minimum-security standard, and communal doors may require a higher standard, such as STS or LPS.

8. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.

9. We advise on the use of ground/ wall SBD or sold secure anchors within a cycle storage area/ sheds of dwellings to deter bicycle theft.

10. Mail delivery to meet SBD TS008 with a fire guard are strongly recommended for dwellings.

ANALYSIS

This application is a reserved matters application, for consideration of layout, scale, appearance and landscaping only. The principle of the development, along with the access, was assessed and approved through the original hybrid application ref: F/TH/21/0417.

This application has been called to planning committee by Cllr Mike Garner to allow members to consider the potential for overlooking from the development to Laleham Gap School opposite the site, and biodiversity.

Character and Appearance

Policy QD02 of the Thanet Local Plan states that 'the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. Development must:

- 1) Relate to the surrounding development, form and layout and strengthen links to the adjacent areas.
- 2) Be well designed, respect and enhance the character of the area paying particular attention to context and identity of its location, scale, massing, rhythm, density, layout and use of materials appropriate to the locality. The development itself must be compatible with neighbouring buildings and spaces and be inclusive in its design for all users.
- 3) Incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access.

4) Improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime.

External spaces, landscape, public realm, and boundary treatments must be designed as an integral part of new development proposals and coordinated with adjacent sites and phases. Development will be supported where it is demonstrated that:

5) Existing features including trees, natural habitats, boundary treatments and historic street furniture and/or surfaces that positively contribute to the quality and character of an area should be retained, enhanced and protected where appropriate.

6) An integrated approach is taken to surface water management as part of the overall design.

7) A coordinated approach is taken to the design and siting of street furniture, boundary treatments, lighting, signage and public art to meet the needs of all users.

8) Trees and other planting is incorporated appropriate to both the scale of buildings and the space available, to provide opportunities for increasing biodiversity interest and improving connectivity between nature conservation sites where appropriate'.

The site is located on the edge and south of Westwood Town Centre. To the west of the site is phase 1 of the hybrid application (which this application is submitted in pursuant of), which has been approved and is under construction, and consists of development up to 3-storey in height. To the east of the site is Jackey Bakers Recreation Ground, which is open in appearance. To the south-west of the application site is an area that has planning permission for 186no. commercial units up to 3-storey in height; and to the south/south-east of the site is a range of commercial/educational uses, including Marlowe Innovation Centre, Royal Harbour Academy, Eurokent Business Park, and Laleham Gap School (which is directly opposite the site to the south), which range in design, height and scale, but again provide for up to 3-storey height development.

This application is for phase 2 of the hybrid development, for 117no. dwellings, with consideration to be given to their layout, scale, appearance and landscaping. The proposal is partly dictated by the parameter plans that have already been approved through the hybrid application in relation to land use, access, green infrastructure and height.

Layout and Landscaping

The land use, access and green infrastructure parameter plan identifies the presence of residential use across the site, with a singular vehicle access point into the site. The continuation of the linear park is proposed to the north of the site. Other requirements include the retention of, and the new planting of, hedgerow along the eastern boundary of the site; a minimum 3.5m landscape buffer to the frontage onto the main road; the retention of the existing footpath through the site; and a retained area of habitat within the southeastern corner of the site. The proposed layout plan complies with all of these elements from the parameter plan.

The proposed block plan shows the provision of flat blocks to the west of the site, fronting New Haine Road, with parking and amenity space located to their rear. The flat blocks are characteristic of the flat blocks provided within phase 1, and are setback from the road

allowing for the 3.5m tree lined grass verge, which will help to soften the appearance of the development, and is in keeping with the southern part of New Haine Road where there is existing tree planting adjacent to the New Haine Road. The location of the flat blocks is therefore acceptable.

A central access road runs through the centre of the site, with three smaller access roads leading off it to the north and south. The plans show that all development has street frontage, and that within the site, behind the flat blocks, a range of detached, semi-detached and terraced dwellings will be provided. To the east of the site the dwellings fronting the access road will also provide some natural surveillance towards the recreation ground. A similar pattern is found to the north of the site, where proposed dwellings will provide natural surveillance of the linear park.

The spacing between units, and the location and type of unit varies throughout the scheme to provide sufficient interest in the layout. Within the development there are a number of grass verges with new tree planting, which will help to achieve internal tree lined streets, with the trees within communal areas outside of property curtilages in order to protect them from future removal.

In terms of open space, condition 22 of the hybrid consent requires that 1.36 hectares of open space is provided in total across phases 2 and 3. This application provides for 0.81ha of open space, meaning that 0.55ha will need to be provided within phase 3, which is achievable without compromising the other requirements of the outline permission for that phase.

Within this phase, the open space provision is through the delivery of the linear park. The linear park is provided with a variety of different forms of planting. To the west is a woodland buffer area, to the east is informal amenity space, and around the edges are wildflower and grassland meadow. A paved area is located towards the centre of the site with benches. Footpaths are provided within the space, in addition to the existing footpath adjoining the northern boundary of the linear park, which will provide space for good pedestrian movement within the linear park. Amended plans have been submitted increasing the number of pedestrian connections from the residential development to the linear park, as well as to the internal path within the housing development that connects to Jackey Bakers, as many desire lines were previously identified that required formal footpath provision.

Planting is proposed along the eastern boundary of the site, including new tree planting and hedge planting in infill gaps within the existing landscape screen.

Overall the layout and landscaping of the proposed development is considered to be acceptable, and in accordance with the parameter plans, and Policy QD02 of the Thanet Local Plan.

Scale and Height

The building heights parameter plan shows that the buildings fronting New Haine Road will be taller and larger in scale than the buildings setback from the road. This was previously

considered to be acceptable as this is a main 'A' road and there is the presence of 3-storey buildings within New Haine Road, along with extant consents for 3-storey development.

The parameter plan approved 2.5 storey development (up to 12m in height) and 3-storey development (up to 14m in height), with a small proportion of 2-storey development (up to 10m in height) along the road frontage onto New Haine Road, and wrapping round into the entrance of Marlowe Way, and the entrance of the linear park. To the rear of this, within the remainder of the site, development has been approved for 2-storey development (up to 10m in height), with a small proportion of 2.5 storey development (up to 12m in height).

The submitted plans show all 3 storey development fronting New Haine Road, with the remainder of development within the site 2-storey in height, with approximately eighteen of the units 2.5 storey in height. The proposal therefore complies with the parameter plan in terms of scale. The units also comply with the height requirements of 10m for 2-storey, 12m for 2.5 storey and 14m for 3-storey as set out within the parameter plans.

The scale of the proposed units will appear in keeping with the character of phase 1, and therefore the height and scale of the development is considered to be acceptable, and in accordance with the parameter plans, and Policy QD02 of the Thanet Local Plan.

Design

The proposal includes unit types that were approved within phase 1 of the development. The flat blocks fronting New Haine Road follow the design principles of the approved flat block within phase 1, which consists of a 3-storey flat roof building with parapet, with full height bay projections, and large floor to ceiling windows, or french doors. The number and size of the window/door openings help to break up the expanse of brickwork, and varied materials have also been used to help break up the mass, including black cladding and cream render.

This design was previously considered to be acceptable, as it was felt to be a design that, whilst not overly innovative, respected the form, scale and rhythm of the adjacent approved commercial development, whilst also creating a new residential character. There is some staggering in the heights of the buildings, with some buildings provided with centralised raised parapet sections that achieve a feature element. The flat blocks are not identical in appearance but all follow the same design approach, which adds interest to the overall streetscene, whilst providing the appearance of a comprehensive development.

The two flat blocks either side of the vehicular access originally raised concerns, as their side elevations were bland and lacked openings that would enable a dual frontage appearance to be achieved. The design of these units has been amended to include a projecting central section, additional window openings, and cladding elements, to add interest to these elevations, which form part of the visual gateway into the site. The amendments are considered to improve the design of the buildings, and are viewed as acceptable.

Concern was raised with the rear elevation of units 179-187, which will be prominently viewed from within the linear park, and had a bland elevation of mainly brickwork with few

openings. Amendments have been submitted with additional windows added to the rear elevation to increase the interest, which is considered to be acceptable.

The elevation fronting onto the linear park is considered to be another important element that will be visible in wider views. A streetscene plan for this elevation has been submitted, which shows that the dwellings are detached units, with enough variation in the unit types used to provide an interesting streetscene; however, the original plans showed all of the units in brick, with the use of no additional materials. Amended plans have been submitted showing cladding added to a few of the units, and a mix of brick and yellow brick. The units have a variety of roof designs, are different widths, and some have been provided with gable front projections. A good quality street elevation fronting the linear park is considered essential given its prominent location and it is considered that this has now been achieved.

In terms of the palette of materials, the units onto new Haine road are provided with red brick, and cream and dark grey render, as shown on the updated materials layout plan. It is intended for the windows to be set within reveals, and brick detailing is provided to some elevations. A condition requiring the submission of brick samples is proposed. As a whole the street elevation fronting New Haine Road is considered to provide good quality development that will integrate well into the surrounding area.

Within the site the units are 2-storey and 2.5 storey in height, with wide spaces between the units, and pitched roofs. A mix of unit types has been used, including terraced, semi-detached and detached units. A range of materials will be used, including both the red and buff brick, render and black cladding, and two roof tiles. These units will again appear similar in design to the unit types used within phase 1, and will therefore appear in keeping with the character of the area.

The original plan showed a mix of tarmac and permeable paving used, although KCC highways have requested that the extent of paving be reduced on the adoptable highway as their preference is the use of tarmac as it is more hardwearing and manageable. Permeable paving is the preferred hard surfacing material, and it contributes towards the visual amenities of the area, and helps to break up the expanse of a single hard surfacing material. Whilst it was agreed that more of the access road could become tarmac to suit the requirements of KCC, it was requested that more of the private access road and parking areas become permeable paving. Amended plans have been submitted to address this, showing the use of permeable paving and non-permeable paving in all of the highly visible areas where it is possible to use. The hard surfacing proposed is therefore considered to have an acceptable visual impact.

Overall the design, scale, height, and layout of the proposed development is considered to be in keeping with the character and appearance of the surrounding area. The proposal is therefore considered to be in accordance with Policy QD02 of the Thanet Local Plan, and paragraph 130 of the NPPF.

Impact upon Living Conditions

Policy QD03 of the Thanet Local Plan states that 'all new development should be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions

through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure; be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04; include the provision of private or shared external amenity space/play space, where possible; provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass'.

This phase of the development has limited neighbouring properties, with the only adjacent occupier that could be affected being Laleham Gap School. Objections have been received from a number of the parents to pupils within the school, raising concerns regarding the privacy of the children within the school and playing field to the south of the development site, along with the potential impact from noise during the construction phase of the development.

In terms of overlooking, there is a distance of at least 22m between the front elevation of the nearest 2-storey dwelling and the site boundary of the school site, with a further 8m distance to the hard courts. Fronting the school are 5no. units of accommodation, all at 2-storey in height, and with one of these units setback a further 4m from the school boundary. The 3-storey flat block that fronts New Haine Road was originally shown wrapping around this corner, providing a 3-storey elevation fronting the school, which would have increased the potential for overlooking. Amended plans have been submitted showing the 3-storey element moved to the other end of the building, and replaced with a 2-storey element with a single flat at first floor level. There is a wide road between the development site and the neighbouring school, and there is an established hedge and a timber fence behind, which extends along the school boundary, which will provide some screening of the external spaces within the school. Given the distance, the fact that a similar relationship was approved within phase 1 (which was entirely 3-storey opposite the school), the amendments received removing the 3-storey element from the area fronting the school, and the landscaping that exists and is proposed, the impact upon the privacy of pupils within the school is considered to be acceptable from this allocated housing site upon which the principle of development has already been approved.

Policy SE06 of the Thanet Local Plan states that 'in areas where noise levels are relatively high, permission will be granted for noise sensitive development only where adequate mitigation is provided, and the impact of the noise can be reduced to acceptable levels. Development proposals that generate significant levels of noise must be accompanied by a scheme to mitigate such effects, bearing in mind the nature of surrounding uses. Proposals that would have an unacceptable impact on noise-sensitive areas or uses will not be permitted'.

The school accommodates children with particular sensitivities. The impact upon the school from noise during construction work is therefore a material consideration in the determination of any applications on adjacent land. The impact upon pupils of the school from construction noise was assessed during the hybrid application. A noise assessment was submitted (dated 9th November 2021), which was undertaken by AACON UK, and set out appropriate mitigation to minimise impacts to the nearby SEN school.

The mitigation required to offset the impact included the erection of 2.4m high hoarding around the site; restriction of construction hours to 08:00 to 18:00 Monday-Friday, 08:00-13:00 Saturday and no working Sunday or bank holidays; vehicles and mechanical plant fitted with effective exhaust silencers and shut down in the intervening periods; quiet plant used where appropriate and positioned so to avoid noise disturbance; construction compounds laid out so to minimise noise impact.

The assessment was carried out in accordance with BS5228 – ‘Code of Practice for noise and vibration control on construction and open sites’ and used worst case assumptions for noise impact modelling. All three parcels of development land were considered, along with the various phases of construction. The recommended mitigation measures, which included acoustic fencing, were included within the construction environmental management plan, which was required for submission under condition 42 of the hybrid consent, and has been approved. As such Environmental Health raises no concerns with this proposed development in relation to the noise impact upon the school. The proposal therefore complies with Policy SE06 of the Thanet Local Plan.

Impact on Future occupiers

In terms of the impact upon future occupiers, each dwelling has been provided with doorstep playspace, in accordance with Policies QD03 and GI04 of the Thanet Local Plan.

Concern was originally raised with the size of the doorstep play area serving the flat blocks, but amended plans have been submitted that have increased the size of the play area serving flat block nos. 269-275 to an acceptable level. Whilst the doorstep playspace serving flat block nos. 179-193 and 276-288 remains quite small, these units are all one bed and therefore there is not a requirement for the units to be provided with doorstep playspace as they are not considered to be family units. A condition is proposed requiring that the doorstep playspace is provided prior to the first occupation of the units, and high hooped top railings at a minimum height of 1.2m are provided around the doorstep playspace in order to make it secure, as required by the policy, and as shown on the additional boundary treatment plan.

Within the proposed development the units have been assessed against Policy QD04, which states the minimum space requirements of the units in relation to the nationally described space standards. The smallest 1-bed unit is 50.8sqm, which exceeds the minimum requirement of 50sqm; the smallest 2-bed is 68.8sqm, which exceeds the minimum requirement of 61sqm; the smallest 3-bed is 89.8sqm, which exceeds the minimum requirement of 84sqm; and the smallest 4-bed unit is 106.8sqm, which exceeds the minimum requirement of 97sqm. Each of the units therefore achieves the nationally described space standards as set out within Policy QD04 of the Thanet Local Plan.

The noise assessment submitted with the hybrid application considered the impact from road noise upon the development. The report considered the glazing, ventilation and overheating of the proposed development, and a technical note concluded that external noise levels at the closest residential receptors was not expected to result in any adverse impacts

Refuse stores and cycle stores are provided for each of the flat blocks within a short distance of the nearest access road where collection would be provided, and there is adequate space within the rear garden areas serving the dwellings to achieve this provision.

The impact upon the future occupiers of the development is considered to be acceptable, and in accordance with paragraph 130 of the NPPF and Policies QD03 and QD04 of the Thanet Local Plan.

Highway Safety

The impact upon the highway network from the number of units proposed was considered through the hybrid application under Policy SP09, with a financial contribution secured towards off-site highway works to mitigate the impact from the development.

The vehicular access into the site was approved through the hybrid application, and therefore this application is considering the internal layout of the development only, including the size and number of parking space, and turning provision.

Phase 2 has been designed with a central access route, which then serves three cul-de-sacs, and two parking courts for the flats. Dwellings front onto the roads, with many of them provided with tandem parking. KCC usually requires that additional visitor parking is provided where tandem parking is used within a scheme. Visitor parking is provided mainly through a layby format, but others are provided within parking courts. Parking courts have been used to the rear of the flat blocks, and to serve the dwellings fronting Marlowe Way.

The internal layout provides road and footway widths in line with the design parameters set out in the Kent Design Guide, unobstructed junction and forward visibility splays are provided to match the appropriate road speeds, and access and turning for emergency vehicles and refuse collection is provided and proven to be acceptable through the submission of tracking plans, which have been accepted by KCC.

A plan has been submitted showing the extent of adoptable highway. KCC originally raised concerns with the extent of block paving used, but amended plans have been submitted changing the paving to tarmac in areas where there will be substantial turning, and therefore where a hard wearing and low maintenance surface is required. KCC have no concerns with the amended plans as submitted.

The site layout incorporates 2 spaces per dwelling, and one space per flat, with 34no. visitor parking spaces provided, which exceeds the requirement of 24no. spaces due to the additional demand sought as a result of the tandem space design used. The number of spaces is considered appropriate for the scale and type of the development. Amended plans have been submitted widening spaces that abut a boundary, to the satisfaction of KCC.

Electric vehicle charging points are intended to be provided for all parking spaces within residential curtilages and 10% of communal spaces, however these have not been shown and will therefore need to be conditioned. Cycle parking spaces are provided for each dwelling and self-contained flat, with sheds within each garden and a communal cycle storage area for the flats.

In terms of pedestrian movement, a number of paths extend through the linear park, connecting New Haine Road and Jackey Bakers. Within the site there were a few locations that were identified where additional footpath connections could be provided to serve desire lines, which have been amended. The scheme provides two connections through the site to Jackey Bakers, in addition to the connections through the linear park. A number of footpath connections are also provided onto Marlowe Way. The proposal is considered to achieve good pedestrian movement that helps to connect surrounding spaces, in accordance with Policy TP02 of the Thanet Local Plan.

A cycle path exists on New Haine Road, and the development will provide a number of connections onto this road to enable good cycle movement to be achieved in accordance with Policy TP03 of the Thanet Local Plan.

The impact upon highway safety is considered to be acceptable, subject to safeguarding conditions.

Biodiversity

Trees

There are limited trees within the site, with only a few small trees present along the eastern boundary of the site, which are being retained.

The site does not fall within the conservation area and there are no trees covered by a Tree Preservation Order on the site. The proposal for landscaping shows extensive tree planting, both along New Haine Road, at the eastern boundary, within the linear park, and across the site as a whole.

The proposed tree planting is considered to result in some ecological enhancements across the site, offering habitat for breeding birds and bats.

The impact upon trees is therefore considered to be acceptable, and the proposed enhancements from new tree planting is supported and in accordance with Policy SP30 of the Thanet Local Plan, and the NPPF, which encourages tree lined streets.

Ecology

An ecological scoping study from 2006, Phase 1 Habitat Surveys from 2008 and 2011, and an updated ecological assessment was submitted with the hybrid application. Ecological mitigation measures were recommended, which included:

Mitigation to address the impact upon the Thanet Coast SAC and Thanet Coast and Sandwich Bay SPA/RAMSAR (covered later in this report);

Retained trees and hedgerow habitats being retained will be protected by Tree Protection Fencing (TPF) to standard BS5837;

New green infrastructure enhancement through the linear park provision;

Replacement native species rich tree and hedge planting to mitigate the loss of existing hedgerow and trees;

Precautionary measures to comprise a recheck of the tree to be removed with bat roosting potential prior to felling, with the tree removed under a soft felling methodology;
Restrictions on construction lighting to limit the impact upon bat habitats;
Covering of steep sided trenches or holes during construction, and the installation of holes and highway signs within fencing for hedgehogs;
Removal of trees, hedgerow or shrubs outside of bird nesting season;
The incorporation of three 150m² bird foraging areas within suitable green infrastructure across the site will mitigate the loss of the existing arable foraging habitat to farmland birds.

In terms of ecological enhancements, the new linear park offers an ecological corridor across the middle of the site containing rich tree planting, wildflower grassland, and SUDs ponds planted with native emergency and marginal species; a new area of woodland planting is included to the north of the site to expand the existing woodland planting off site and create new foraging opportunities; a total of 50 bat boxes/ bricks, 10 bird boxes, 40 swift bricks, and 2 kestrel boxes are proposed for installation to residential buildings; gaps under fences were proposed to support the movement of badgers and hedgehogs; and log piles, bee banks and log walls are proposed for reptiles and invertebrates.

KCC Biodiversity were consulted and advised that sufficient information had been provided, and they had no objections subject to a safeguarding condition requiring an ecological design strategy, which includes details of how the proposal accords with the details set out within section 11 of the Biodiversity Net Gain Preliminary Design Assessment and the mitigation measures as set out within Section 9 of the Ecological Assessment, along with an updated biodiversity net gain assessment, were submitted with each subsequent reserved matters application.

These details were not initially submitted with this reserved matters application. An Ecological Design Strategy has since been submitted, which provides an updated BNG assessment, mitigation design and enhancement measures, and landscaping/species details. The strategy states that the following will be implemented:

- 20 integrated bat bricks
- 20cm gaps under fencing to enable movement of badgers and hedgehogs
- 3 log piles and 3 hibernacula in the open space
- 10 bird boxes in the open space
- 1 kestrel box
- 20 integrated swift bricks

KCC Biodiversity have been further consulted and advised that they have no objections to the submitted strategy at this stage, although further consideration will need to be given to the strategy as part of the condition submission, with a plan submitted showing the location of the proposed enhancements within the site.

The impact upon Biodiversity is therefore considered to be acceptable and in accordance with Policy SP30 of the Thanet Local Plan, subject to a safeguarding condition requiring further detail to comply with the outline permission.

Drainage and Flood Risk

Condition 32 of the hybrid application required a detailed sustainable surface water drainage scheme for each phase to be submitted for approval prior to the commencement of development.

A drainage strategy has been submitted with the application, but will need to be separately submitted through a condition submission (from the outline permission). The drainage strategy plan shows an attenuation basin within the linear park, with connection pipes through the site. Foul drainage is provided to an existing manhole within new Haine Road.

KCC SUDs have been consulted and have advised that there is presently insufficient information submitted to recommend the determination of the application, as the submitted Schematic Drainage Strategy Plan (prepared by Banners Gate, May 2022) varies from the Proposed Surface Water Drainage Strategy (prepared by Charles & Associates, November 2020) which was submitted as part of the outline planning application. Additional details were therefore requested.

Additional details have been submitted showing the relocation of the attenuation basin further west within the linear park. The remainder of the connections within the development remain the same. A revised comment from KCC SUDs has been received, no longer raising an objection, given the minor change in the level of impermeable area not affecting storm scenarios. In addition the detailed drainage plans will be agreed under the condition submission for the phase as mandated by conditions on the outline application.

Southern Water has advised that the proposed method of foul disposal is satisfactory to Southern Water, and they require an application for the connection to the public sewer to be submitted under Section 106 of the Water Industry Act.

The impact upon flood risk and water source protection is therefore considered to be acceptable, and in accordance with Policy CC02 of the Thanet Local Plan, subject to the safeguarding conditions already secured (condition 32 on the outline permission).

Affordable Housing

The legal agreement submitted with the hybrid application agreed the provision of 30% affordable housing on site, in the form of 50% affordable rent and 50% intermediate affordable housing.

Within this application, 35no. units are proposed as affordable, which achieves the 30% provision required through the legal agreement for this phase. The units are identified on the proposed site plan, and consist of three of the flat blocks to the front of the site, and two of the residential dwellings within the site.

The Strategic Housing Officer has advised that the indicative affordable housing mix is reflective of TDC's SHMA findings and the overarching housing needs across the district. It was queried whether the two residential dwellings were 3-bed or 4-bed, as both options had been listed within documents. The agent has confirmed that the dwellings will be 4-bed, which the housing officer is supportive of.

The proposal is therefore considered to comply with Policy SP23 of the Thanet Local Plan and paragraph 65 of the NPPF.

Size and Type of Units

Policy SP22 of the Thanet Local Plan states that proposals for housing development will be expected to provide an appropriate mix of market and affordable housing types and sizes having regard to the SHMA recommendations as may be reviewed or superseded. It further states that the Council will encourage proposals for residential development to incorporate a higher ratio of houses to flats (as recommended in the SHMA).

In terms of market housing provision the application proposes 13no. 2-bed units, 58no. 3-bed units, and 24no. 4-bed units. When considering the proposed provision against the SHMA recommendations, the provision is closer to the need identified through the 2021 assessment, and as such it can be considered that the proposed unit mix size addresses current need.

In terms of the affordable housing provision the application proposes 31no. 1-bed units, 2no. 2-bed units, and 2no. 4-bed units. There is an increase in 1-bed unit provision against the SHMA recommendation (both original and amended), and a lack of 3-bed units against the SHMA, however, this is an edge of town centre location, and 1-bed and 2-bed units are our greatest need. On many housing sites there is often difficulty in achieving the smaller units for viability reasons, so in this instance, given the need and the variety of split across the phases, this provision is supported by the Strategic Housing Officer and considered acceptable.

A mix of flats, terraced units, semi-detached units, and detached units have also been provided, achieving a good mix across the site. The proposal is therefore considered to comply with Policy SP22 of the Thanet Local Plan.

The proposal offers 3no. M4(3) accessible units and 12no. M4(2) accessible units, with the units identified on the proposed site plan. This complies and exceeds the requirements of Policy QD05 of the Thanet Local Plan.

Other Issues

Contamination

The impact from contamination was considered through the hybrid application, with safeguarding conditions attached. Whilst a copy of the site investigation and remediation method statement has been submitted with the application, the Environment Agency has raised no objections to the development; and therefore the proposal is considered to comply with Policy SE03 of the Thanet Local Plan.

Air Quality

Air quality has been raised as a neighbour objection, however, air quality was assessed through the hybrid application within the EA. The report concluded that the effects with mitigation of dust would be temporary, short term, local in effect and low risk. In terms of mitigation measures, effects from construction activities will be mitigated by undertaking construction works in accordance with best practice mitigation to be implemented through the approved construction environmental management plan.

Environmental Health previously advised that they were satisfied that adequate information had been submitted to determine that there will not be an impact upon air quality and therefore the proposal is considered to comply with Policy SE05 of the Thanet Local Plan.

Heritage

This phase of development does not lie within close proximity of any listed buildings, and does not fall within the conservation area, and therefore the impact upon heritage assets is considered to be acceptable and in accordance with Policy HE03 of the Thanet Local Plan.

Archaeology

The potential impact upon archaeology was considered through the hybrid application, and safeguarding conditions were attached. The proposal therefore complies with Policy HE01 of the Thanet Local Plan.

Special Protection Area Mitigation and Appropriate Assessment

European sites are afforded protection under the Conservation and Habitats and Species regulations 2010 (as amended the Habitat Regulations) and there is a duty placed upon the competent authority (in this case TDC) to have regard to the potential impact that any project may have on those sites.

The Council undertook a Habitat Regulations Appropriate Assessment with the hybrid application, and a contribution was secured towards the SAMM to mitigate the harm.

Natural England raised no objections to the assessments and therefore the proposed development, subject to the mitigation measures that were secured. The application is therefore not restricted by the Conservation of Habitats and Species Regulations 2017.

Public Sector Equalities duty

In considering this application, due regard has been had to the Public Sector Equality Duty (PSED), as set out in Section 149 of the Equality Act 2010. In the absence of appropriate mitigation, there is considered to be a risk of negative impacts in relation to people with a protected characteristic as defined by Section 149(7), namely disability (with regard to users of the Laleham Gap School). Nonetheless, by reason of the imposition of planning conditions previously secured in relation to construction management, and the neighbouring amenity assessment that has been carried out, I am satisfied that the PSED will not be undermined.

Conclusion

The principle of development and access into the site has previously been approved. This application provides an acceptable layout, with frontage development of a good quality design that complies with the use and scale parameter plan previously approved.

The required open space is achieved, with a linear park secured to the north of the site that provides good pedestrian movement, ecological enhancements (subject to condition) and sufficient landscaping provision. Within the site tree lined streets are achieved, with grass verges that provide spacious frontages, and enhanced boundary planting and sporadic tree planting that helps to achieve a good quality environment.

The impact upon highway safety is considered to be acceptable, with safe turning provision achieved within the site, along with acceptable parking provision. Pedestrian and cycle connection between New Haine Road and Jackey Bakers Recreation Ground is achieved, improving permeability within the area.

The impact upon the pupils of Laleham Gap School is considered to be acceptable following the submission of amended plans relocating the 3-storey element away from the area opposite the school, and therefore given the distance, the presence of natural screening and that a similar relationship has been approved through phase 1, no concerns are raised in relation to overlooking. The impact from noise was assessed through the hybrid application, and mitigation secured to address this impact.

The application secures the provision of 117no. residential units on an allocated housing site, which has already had the principle of development agreed. 30% affordable housing is achieved on site, and a good mix of unit types and sizes provided. The proposal represents a good form of sustainable development on an edge of town centre site.

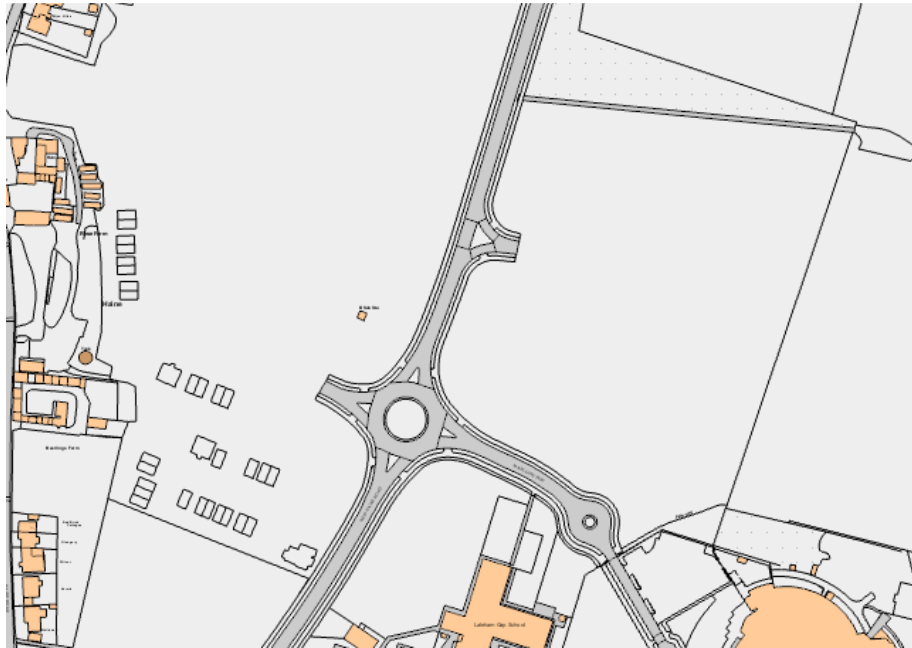
It is therefore recommended that Members approve the application, subject to safeguarding conditions.

Case Officer

Emma Fibbens

TITLE: R/TH/22/1650

Project Land At New Haine Road RAMSGATE Kent



A02

FH/TH/23/0138

PROPOSAL: Erection of two storey front and rear extensions together with 4 roof lights, front flat roof porch and first floor rear balcony and

LOCATION: alterations to fenestration and materials

54 Stone Road BROADSTAIRS Kent CT10 1DZ

WARD: Bradstowe

AGENT: Mr Daniel McCarthy

APPLICANT: Mr Dan Clewley

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered 04, 05, 06, 07 and 08.

GROUND:

To secure the proper development of the area.

3 Prior to the construction of the external surfaces of the development hereby approved, details and manufacturer's specification of the external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

4 The front brick and flint boundary wall shall be retained as part of this development.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

INFORMATIVES

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:

<https://www.thanet.gov.uk/info-pages/planning-conditions/>

SITE, LOCATION AND DESCRIPTION

No. 54 Stone Road is a chalet style detached dwelling and attached single garage with amenity space to the front and rear. It is located on the northern side of Stone Road. The house and garden slopes downwards from Stone Road towards properties that front Eastern Esplanade. The site is enclosed to the front boundary by an existing brick and flint wall.

RELEVANT PLANNING HISTORY

FH/TH/22/0894 Erection of two storey front and rear extension, together with 4 roof lights, ground floor terrace and first floor balcony and alterations to external materials. Granted 22/09/22

FH/TH/21/1375 Erection of 2no. three storey, three bed dwellings following demolition of existing chalet bungalow. Refused 1st November 2021.

The above application was refused for the following reasons:

"The proposed 2no three storey dwelling dwellings by virtue of the loss of the front boundary wall, restricted size of the site, its relationship within the site and visually in the area, would be significantly out of keeping with the area and its spacious pattern of development along the eastern side of Stone Road, resulting in a cramped and incongruous form of development that is significantly harmful to the character and appearance of the area, contrary to the aims of policy QD02 of the Thanet Local Plan and paragraphs 119, 130 and 134 of the National Planning Policy Framework."

"The proposed development will result in additional pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to policy

SP29 of the Thanet Local Plan and paragraph 182 of the National Planning Policy Framework."

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a two storey front and rear extension, together with roof lights in the north elevation, a flat roof porch to the front, and first floor rear balcony and alterations to external materials. The materials proposed to be used are white render, and vertical slatted cladding composite under a slate roof with aluminum windows and doors.

DEVELOPMENT PLAN POLICIES

THANET LOCAL PLAN 2020

SP35 - Quality Development
QD02 - General Design Principles
QD03 - Living Conditions
TP06 - Car Parking

Broadstairs and St Peter's Neighbourhood Plan

BSP8 - Local Heritage Assets
BSP9 - Design in Broadstairs & St. Peter's

NOTIFICATIONS

Letters were sent to adjoining occupiers and a site notice posted close to the site.

One representation was received objecting to the proposal. The concerns are summarised below.

- Loss of natural light to neighbours
- Closer to boundary with No. 52A
- Overlooking from ground floor rear terrace, wider windows and first floor rear balcony
- Concern that there is no privacy screen (1.8m high) to no. 52A
- Removal of trees will also reduce privacy

Broadstairs Town Council: The Committee recommends REFUSAL as this application will have a severe impact on the privacy of the neighbouring property. The Committee also have serious concerns over the overhang of the property and overcrowding of the site. (Unanimous)

Broadstairs Society: There is a history with this property (21/1375 and 22/0894). On both occasions the Society objected. On the second occasion whilst approval was given there were safeguards including:-

Condition 5 - the front brick and flint boundary wall shall be retained as part of this development.

It may be the developer confirmed the brick and flint wall's retention in the previous application but that same confirmation needs to be reiterated. If the developer also agrees to reinstate the flint wall between 54 and 56a Stone Road and does so that may help to alleviate the hurt and anger felt by neighbours.

CONSULTATIONS

None.

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Jill Bayford on the grounds of loss of light and loss of privacy.

The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

Principle

The site comprises an existing dwelling within the urban confines and the principle of extending an existing dwelling is considered to be acceptable subject to all other material considerations.

Character and Appearance

Paragraph 130 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Policy QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

Policy BSP8 of the Broadstairs and St Peter's Neighbourhood Plan relates to local heritage assets and states that proposals for development which would result in the loss of existing buildings or structures on the local list of heritage assets will not be supported. Alterations, extensions or other development which would adversely affect the appearance or setting of such buildings or structures will also not be supported. The list of local heritage assets is set

out in appendix 4 of the neighbourhood plan. The flint wall to the front of no. 54 Stone Road is not identified as a heritage asset within that list. Policy BSP9 states that development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged. Proposals should take account of the Design Guidelines set out at Appendix 5. Proposals which demonstrate that they reflect the design characteristics of the area and have taken account of the Design Guidelines will be supported. Therefore, the development should be well designed, respect and enhance the character of the area paying particular attention to context and identity. Design and Character is further amplified by the Broadstairs and St Peters Neighbourhood Plan Policy BSP9.

No. 54 Stone Road is a chalet style detached dwelling with an attached single garage with amenity space to the front and rear. The house and garden slopes downwards from Stone Road towards properties that front Eastern Esplanade.

Planning permission is sought for the erection of a two storey front and rear extension, together roof lights in north elevation, flat roof porch to the front facade, and first floor balcony set in from the eaves of the building and alterations to external materials; white render, and vertical slatted cladding composite under a slate roof with aluminum windows and doors.

The application has similarities with the previously approved application FH/TH/22/0894, but is noticeably smaller.

The proposed extension to the front elevation would alter the appearance and form of the property from a chalet style dwelling to a full two storey dwelling, with its associated increase in height (increasing from 6.2m to 7.3m) and two storey mass. Due to the nature of the extensions proposed the change would be clearly perceivable and visible from the street scene; Stone Road. It is confirmed that the site is not within a Conservation Area. In terms of context the site is located between a two storey dwelling to the east (no. 52A Stone Road) and two and a half storey property at 56A Stone Road to the west.

The dwelling currently has a hipped roof (with centrally positioned front pitched roof dormer) which would change to having a front gable presenting to the road with flat roof porch that links across to the existing flat roof garage. The increase in height would see the dwelling become a comparable height (slightly lower) to those dwellings either side. This would be no higher than previously accepted by Members, although the bulk has been removed. Accordingly it would not appear out of character with adjoining properties. The mass of the building has decreased from the previous scheme, and thus the gaps to adjoining properties would feel more spacious than that previously accepted and would therefore still maintain the character of the area.

In terms of general design the properties within Stone Road, along this side of the road have a variety of designs including gables. With this in mind it is not considered necessary for a dwelling to replicate existing properties. The proposed design of the extended property is considered to integrate within the street scene without resulting in harm.

The proposal also includes a change to the external materials of the property within the street scene. There is a varied material palette, the proposed materials for the extended

dwelling are considered to be reflective of materials found within the street scene, however precise details of the cladding will need to be secured by condition.

The existing flint and brick wall to the front boundary is not shown to be retained; a condition was attached to the previous consent for extensions to this property for the wall to be retained, it is recommended this is attached again. Similar boundary treatments to the front of properties along Stone Road exist and this would maintain this feature. Whilst, as set out above, the wall is not identified as a local heritage asset within the Broadstairs and St Peter's Neighbourhood Plan, it is a traditional feature and its retention would maintain the sense of place.

The proposed extension is not considered to have significant impact upon the character and appearance of the area and is therefore considered acceptable in terms of policy QD02 of the Local Plan, policies BSP8 and BSP9 of the Broadstairs and St Peter's Neighbourhood Plan and paragraph 130 of the NPPF.

Living Conditions

Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Local Plan policy QD03 (Living Conditions) is also relevant to this application. It states that All new development should: 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04. 3) Residential development should include the provision of private or shared external amenity space/play space, where possible. 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

The property is flanked by two residential properties (56A & 52A Stone Road), to the rear are 7 & 8 Stone Bay Court.

Looking firstly at the relationship with no. 56A, this property has three windows at ground floor; one being high level (utility, shower room and secondary window to kitchen/family room respectively) and two at first floor one of which is high level (bathroom and secondary bedroom). Given that the habitable rooms are at high level and secondary I consider any impact, by loss of light or having an overbearing relationship, not to be significant. The proposed extended dwelling only proposes roof lights within this elevation given that, I do not consider that overlooking would result between dwellings. Whilst the extended property would extend out further than the existing property, given the separation and openings I do not consider this will create harm. This relationship is, therefore, considered acceptable.

With regard to no 52A Stone Road, this has three openings within the side elevation; two serving a garage and the rear side window serving a kitchen. The proposal has ground floor windows serving a hallway, peloton room and snug.

The windows within the existing property have the same relationship with this property currently; the existing windows within the side elevation of the property have two windows serving the lounge (same position as the snug) and two windows serving two bedrooms serving a peloton room and hallway. It is acknowledged that this is more windows than the previous approved scheme, although not notably worse than the current situation. It is, therefore, considered that the relationship is no worse between these two properties in terms of overlooking.

With regard to loss of light it is considered that there will be no loss of sunlight due to the orientation, the extended property being to the north of no. 52A Stone Road. In terms of outlook, it is appreciated that this will change from the rear side window serving the kitchen, however, this is a secondary window and therefore the impact is not considered to be significant. The previous proposal included a ground floor roof terrace, this has been omitted from this scheme.

First floor windows are now proposed in the rear elevation, there are currently no openings at this level. They would serve a master bedroom, and a balcony inset into the eaves. Whilst it is appreciated that there are no windows at this level currently, the relationship between first floor windows is not dissimilar to those properties that front Stone Road and Eastern Esplanade; there is a distance of approximately 30m between built forms. It is, therefore, considered that this relationship is acceptable.

It is considered that the property, as extended, would provide a good standard of accommodation for future occupiers, with good light and ventilation, a private amenity area and off road parking.

The proposal is, therefore, considered to be acceptable with regards to residential amenity in regard to existing residents, and in terms of space standards and provision of gardens for future residents. in accordance with Policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

Policy QD02 outlines that new development proposals should incorporate a high degree of permeability for pedestrians and cyclists and provide safe and satisfactory access for pedestrians, public transport and other vehicles. Policy TP06 outlines that proposals for development will be expected to make satisfactory provision for the parking of vehicles. Suitable levels of provision are considered in relation to individual proposals, taking into account the type of development proposed, the location, accessibility, availability of opportunities for public transport, likely accumulation of parking and design considerations.

The property at present has three bedrooms as a result of the extensions proposed this would remain a three bedroom dwelling. The proposed driveway could accommodate a maximum of two vehicles- but parked in tandem. For a three bedroom dwelling within a suburban setting this should be 1.5 parking spaces.

The proposal will lead to a net loss of parking for the site and as such is no worse than the existing situation. It is also noted that parking along this part of Stone Road is unrestricted, so additional parking if required could be accommodated on the road.

I do not consider it would result in an adverse impact on highway safety over and above the current situation.

Given the above, it is not considered that the proposal will result in a significant adverse impact to the local highway network, highway safety or parking, in accordance with Policy TP06 of the Thanet Local Plan and the NPPF.

Conclusion

The proposal would have an acceptable appearance in relation to the host property and the visual amenity of the street scene. It would be unlikely to result in any significant harm to existing residential amenities. The proposal is considered acceptable in terms of parking provision. It is therefore considered that the proposal would comply with paragraphs 130 of the NPPF and policies SP35, QD02, QD03 and TP06 of the Thanet Local Plan and it is therefore recommended that Members approve the application subject to safeguarding conditions.

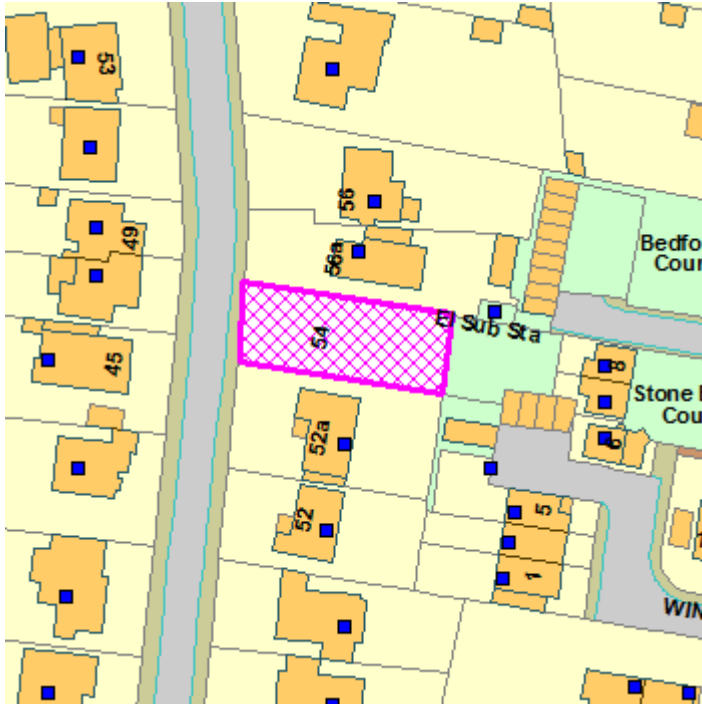
Case Officer

Gillian Daws

TITLE: FH/TH/23/0138

Project 54 Stone Road BROADSTAIRS Kent CT10 1DZ

Scale:



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A03

FH/TH/23/0121

PROPOSAL: Extension and alteration of roof together with erection of

dormers to side and rear elevations to facilitate loft conversion

LOCATION:

and alterations to fenestration

85 Salisbury Avenue Broadstairs Kent CT10 2EB

WARD:

Viking

AGENT:

Tony Michael

APPLICANT:

Dr Viktor van Marrewijk

RECOMMENDATION:

Approve

Subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 002 received 25 January 2023, 007 received 03, February 2023, 003 received 20 February 2023 and 005A received 28 March 2023.

GROUND:

To secure the proper development of the area.

3 The external materials and external finishes to be used in the development hereby approved shall be of the same colour, finish and texture as those on the existing property.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

INFORMATIVES

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SITE, LOCATION AND DESCRIPTION

Salisbury Avenue is a residential street characterised by a variety of different dwellings. Number 85 is a detached bungalow located towards the southern end of the road with an internal garage. The property is located in a row of bungalows with the adjacent neighbour, 87 Salisbury Avenue, having a similar design.

RELEVANT PLANNING HISTORY

FH/TH/18/0979 - Change of use of attached garage to Veterinary Clinic. Granted 11 September 2018

F/TH/04/0121 - Erection of a flat-roofed dormer to side elevation, pitched-roof dormer to rear elevation, and extension of roof space to the rear. Granted 26 May 2004

PROPOSED DEVELOPMENT

The proposed development is the extension and alteration of roof together with erection of dormers to side and rear elevations to facilitate loft conversion and alterations to fenestration.

The application initially proposed the erection of two long dormers along the side elevations, however following the concerns that have been raised during the public consultation process an amended plan has been submitted splitting these long dormers into two smaller dormers on either side of the roof.

The main roof of the property would be extended at the front and rear of the property to meet the existing ridge and form a gable at the front of the property and a hipped roof at the rear. This roof would extend over the existing flat roof garage front projection. The amended application proposes four flat roof side dormers, two in each side elevation and a hipped roof dormer to the rear. The extended roof and tile hanging to the dormers would be completed using materials to match the existing roof. A triangular window is proposed in the front gable and a variety of window designs are proposed to the side and rear windows.

This amendment has resulted in a design that is similar to the application that was approved in 2004 (Application reference F/TH/04/121).

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP35 - Quality Developments

QD01 - Sustainable Design

QD02 - General Design Principles

QD03 - Living Conditions

Broadstairs & St Peter's Neighbourhood Development Plan 2018-2031

BSP9: Design in Broadstairs & St Peter's

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site. No responses have been received.

Broadstairs and St Peter's Town Council - The Committee recommends REFUSAL as the proposed dormer windows, by virtue of their size and prominent siting, results in a visually intrusive, incongruous and dominant form of development, unrelated in scale and design to the host building, severely detrimental to the character and appearance of the areas and contract to BSP9 of the Broadstairs and St Peter's Neighbourhood Plan, to the Policy QD02 of the Thanet Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework. (Unanimous)

The Broadstairs Society - No comment

CONSULTATIONS

None received

COMMENTS

This application is reported to the Planning Committee at the request of Cllr Bailey to enable Members to consider the impact of the proposal upon the character and appearance of the area.

Principle

The site is located within the urban confines of Broadstairs and comprises an existing dwelling. The principle of extending and altering an existing dwelling is considered acceptable subject to all other material considerations.

Character and Appearance

Paragraph 130 of the National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment and establish and maintain a strong sense of place.

Policy QD02 of the Thanet Local Plan provides general design principles for new development and states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects.

Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan states that development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged. Proposals should take account of the Design Guidelines. Proposals which demonstrate that they reflect the design characteristics of the area and have taken account of the Design Guidelines will be supported.

The extended roof would be visible from the public realm, however it would be set behind the existing single storey front gable projection and would not extend above the height of the existing main ridge. Numbers 85, 87, 93, 95, 126 and 128 Salisbury Avenue are in the immediate vicinity of the site and have a similar design with a pitched roof and a gabled front projection, however there are bungalows with different designs between these properties and front dormers are visible in the immediate area. The amended side dormers would be set back from the front elevation of the property and given that this development would be completed using material to match the existing property and would not extend above the existing main ridgeline, this development is not considered to result in any significant harm to the character and appearance of the area, in line with policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan, policy QD02 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

The proposed development would be located within the footprint of the existing property and would not extend above the height of the existing main ridge. It is therefore considered that whilst the roof would be extended to the front and rear given the location of these extensions and dormers and that the roof would pitch away from the neighbouring properties this proposal is not considered to result in any significant loss of light or sense of enclosure to the neighbouring dwellings.

Four windows are proposed in the northern side elevation. Two would be set at a high level above the internal floor and two would be constructed from obscure glazed blocks. On the southern side four windows are also proposed, one set at high level above the internal floor, two constructed from obscure glazed blocks and one larger window set towards the front of the property. This larger window would look towards the blank side roofslope of the southern neighbour. Given the arrangement of these windows they are not considered to result in any significant overlooking.

The proposed front window would look towards the highway and the front elevations of the properties on the western side of Salisbury Avenue. Given this location this window is not considered to result in any significant overlooking.

One window is proposed in the first floor rear elevation. There is a separation distance of 11m to the rear boundary and 30m to the front elevation of 2A Bay View Road. This neighbouring property is set in a backland location with a parking area to the front and a garden that extends across the front, south and rear. Given the separation distance and arrangement of this property this window is not considered to result in any significant overlooking.

In light of the above the amended development is not considered to result in any significant harm to the living conditions of the neighbouring property occupiers, in line with policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

The proposed development would increase the number of bedrooms on the site from two to three, however this is not considered to be a significant increase and there would be no changes to the existing off street parking arrangements. This proposal is, therefore, not considered to result in any significant harm to highway safety.

Conclusion

The amended design given the location and scale of the alteration is not considered to result in any significant harm to the character and appearance of the area, the neighbouring living conditions, or highway safety and therefore it is recommended that members approve this application.

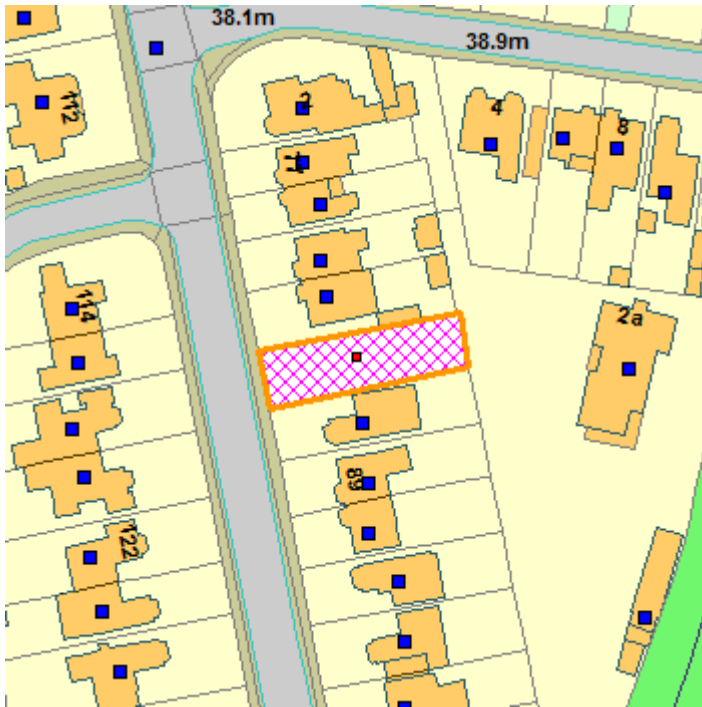
Case Officer

Duncan Fitt

TITLE: FH/TH/23/0121

Project 85 Salisbury Avenue Broadstairs Kent CT10 2EB

Scale:



A04 **F/TH/22/1638**

PROPOSAL: Erection of single storey front, side and rear extensions to existing restaurant together with landscaping and seating areas

LOCATION: Pier Head Shelter The Harbour BROADSTAIRS Kent CT10 1EU

WARD: Bradstowe

AGENT: Mr Daniel McCarthy

APPLICANT: Mr Warren Roe

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 05, 06, 07 and 08 received 26 February 2021.

GROUND:

To secure the proper development of the area.

3 The external surfaces of the development, hereby permitted, shall be constructed using vertical and horizontal black cladding, concrete framed picture windows, and black aluminium framed glazing, as annotated on the Proposed Elevations drawing numbered 08 received 6 December 2022.

GROUND:

To safeguard the special character and appearance of the area as a Conservation Area in accordance with Policy HE02 of the Thanet Local Plan and the advice as contained within the NPPF.

4 Prior to the first use of the extension hereby approved 6 benches shall be installed on the north facing elevation of the building and 4 concrete benches shall be installed on the eastern (seaward facing) elevation, in the location shown on amended drawing numbered 06A, received 23 March 2023. The benches installed shall thereafter be made available and maintained for public seating and flood mitigation purposes, unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

To enhance the public amenity space and limit flood risk, in accordance with Policies QD02 and CC01 of the Thanet Local Plan.

5 Prior to the first use of the extension hereby approved the cycle parking shown on drawing numbered 06A, to the northern elevation of the building, shall be provided and thereafter maintained for cycle parking.

GROUND:

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

6 Prior to the first use of the extension hereby approved the flood mitigation measures as set out in the submitted Extension Flood Risk Assessment (RMB Consultants) (Civil Engineering) Ltd December, dated 2022, shall be fully implemented.

GROUND:

To reduce any impact of flooding in accordance with Policy CC01 of the Thanet Local Plan and advice contained within the NPPF.

INFORMATIVES

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The applicant is advised that the bar shall only operate in connection with the restaurant use, and shall at no time operate as an independent drinking establishment from the premises. A pub and drinking establishment is a sui generis use within the Town and Country Planning Use Class Order (as amendment 2021) and therefore planning permission would be required if an independent drinking establishment were created.

SITE, LOCATION AND DESCRIPTION

The application relates to the shelter at the end of the Jetty in Viking Bay. The timber clad structure comprises a restaurant at one end with an external seating area, with the remainder of the shelter open for members of the public to use. The space within the roof is used for storage and the restaurant and store area at ground floor are enclosed. The remainder of the shelter comprises upright supports allowing open views through to the sea from the arm of the jetty. The site lies within the Broadstairs Conservation Area.

PLANNING HISTORY

F/TH/21/0253 GTD 08 June 2021

Erection of external seating area and alterations to internal layout

F/TH/15/0051 GTD 10 April 2015

Retrospective application for the erection of rear extension to cafe unit, within the existing shelter and installation of roller shutters to front and rear elevation

NM/TH/10/0186 GTD 19 April 2010

Enlargement of staircase enclosure (amendment to planning application F/TH/09/0670)

F/TH/09/0670 GTD 13 January 2010

Erection of staircase enclosure to create access to balcony

F/TH/09/0284 GTD 18 June 2009

Erection of side and rear extension to existing cafe unit, within the existing shelter

F/TH/01/0105 REF 29 March 2001

Erection of three front, rear and side extensions to existing kiosk, to form cafe, together with the installation of 2 roof lights

F/TH/97/0052 REF 1 July 1997

Alterations to existing shelter to provide additional seating and 3 kiosks in addition to 1 kiosk

PROPOSED DEVELOPMENT

The application seeks planning permission to enclose the public open space beneath the shelter to provide additional areas of seating, a private seating area, a bar and viewing areas, along with a fresh fish and ice cream hatch accessible from the pier and a food preparation area connected to the kitchen and store rooms. A beer store, manager's office and additional WCs would be provided for customer use only. A bin store area is shown to the rear of the store and a bicycle rack is located under the shelter in front of the store. A total of 6 benches are shown on the north facing elevation of the shelter protected by the overhang of the shelter roof and 4 concrete benches are shown along the eastern (seaward facing) elevation set away from the shelter (annotated as sea defence concrete benches).

PLANNING POLICIES

Thanet Local Plan 2020

CC01 - Fluvial and Tidal Flooding - Flood Zone 2

HE02 - Broadstairs Conservation Area

SE08 - Light Pollution

SP04 - Economic Growth

SP12 - Broadstairs Promenade and Beach Front

SP26 - Landscape Character Area - Ramsgate and Broadstairs Cliffs

QD01 - Sustainable Design

QD02 - General Design Principles

QD03 - Living Conditions
TP03 - Cycling
SP43 - Safe and Sustainable Travel

Broadstairs and St Peter's Neighbourhood Development Plan Policy BSP4: Seafront Character Zones

NOTIFICATIONS

Neighbours have been notified, a site notice posted and an advert placed in the newspaper and 6 representations have been received (2 objecting and 4 in support) making the following comments:

- * Loss of public amenity
 - * The shelter was intended for the enjoyment of all along with the provision of a modest cafe - it should not be completely commercial
 - * Light pollution - The night time ambience of the pierhead and the waters of the bay are already badly compromised by the light pollution from the current restaurant arrangements and this could make this much worse.
 - * There is no need for another bar
 - * It will change the nature of the area
 - * Broadstairs is an attractive, traditional seaside resort. These qualities can easily be eroded by over commercialisation, as represented by this proposal.
 - * There should be a larger area for rubbish bin storage - currently rubbish bins are left out in view and spoil the 'vista' from the promenade.
 - * Is the neon "JETTY" sign permitted in a conservation area?
 - * There will be a loss of public space.
 - * The rear of the covered jetty is frequently used during folk week for performances and for shelter.
 - * Will the toilets be available to the public who are not using the cafe in lieu of the loss of space and amenity?
 - * Increased vehicle and pedestrian traffic
 - * Parking is difficult in the summer months
 - * Increase in delivery traffic will impact on traffic congestion
 - * Increased congestion under York Gate arch
 - * Loss of public space - the extension will encroach on public recreational land which is an amenity area for both locals and visitors.
 - * Tidal impact - The sea washes on the pier on occasions - will the restaurant structure withstand this?
 - * Impact on other pier users - The area is a working harbour with associated fishing boats - will increased footfall impact on those already using the harbour for a living and recreation?
 - * The extension detracts from the iconic look of the pier
-
- * This is an excellent use of the space, which is currently underused and quite bleak.
 - * The shelter is currently in a poor condition and of no use
 - * The current derelict, windswept area is not an appealing place to spend time and expanding a popular restaurant into it will be of benefit to both locals and visitors wishing to drink, dine and enjoy company and conversation.

- * The inclusion of new public benches both inside and out will be of benefit to the entire community also and I wholeheartedly support this proposal.
- * This makes better use of the existing space. By taking control over a larger area it is likely to reduce anti-social behaviour.
- * It would be good if the internal plans could be adjusted slightly to include a disabled toilet and baby changing.

Broadstairs Tourism & Leisure Association support the application - Our officers have voted in to support this application, and we believe that this project will bring significant benefits to our community and tourism alike.

The Jetty is an iconic location in Broadstairs, and we believe that the proposed development will enhance its appeal to both locals and visitors. These improvements will provide a more enjoyable and comfortable experience for those who visit the Jetty, which we believe will encourage more people to visit and spend more time in Broadstairs.

Furthermore, we believe that this project will have a positive impact on the local economy. The Jetty is a popular destination for tourists, and the proposed development will create job opportunities for local residents.

In conclusion, we fully support the planning application at the Jetty in Broadstairs. We believe that this project will enhance the appeal of this iconic location, provide a more enjoyable experience for visitors, and have a positive impact on the local economy.

The Broadstairs Society - The Society supports this application subject to any comments from the Conservation Officer

Broadstairs & St Peter's Town Council - The Committee unanimously recommend NO OBJECTION to this application on the proviso that the end of the Jetty remains a freely accessible space for the public.

CONSULTATIONS

Conservation Officer - Following a review of the proposed application compared to the current form of the present building, I would consider there to be a less than significant level of harm to the character and appearance of the surrounding conservation area, as such I do not object to the application proposed.

Environment Agency - (Final Response) - We have no objection to this proposal, although we do offer the following comments in respect of the proposed development.

The development should be carried out in accordance with the submitted flood risk assessment (ref RMB Consultants DEC 2022) and the mitigation measures it details.

Advice to Local Planning Authority/Applicant

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this

application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- o Adequacy of rescue or evacuation arrangements
- o Details and adequacy of an emergency plan
- o Provision of and adequacy of a temporary refuge
- o Details and adequacy of flood proofing and other building level resistance and resilience measures
- o Details and calculations relating to the structural stability of buildings during a flood
- o Whether insurance can be gained or not

Non planning consents

The applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licences for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

(Initial Response) - We cannot find a flood risk assessment (FRA) with the submitted documents. As the required FRA has not been provided we are unable to assess this application.

The application site lies within Flood Zone 3 defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 163, footnote 50 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit a Flood Risk Assessment (FRA) when development is proposed in such locations.

An FRA is vital if the local planning authority is to make informed planning decisions. In the absence of an FRA, the flood risk resulting from the proposed development is unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

We would like to remind you that a FRA is a requirement of the Council's validation process and that we should therefore not be consulted on any applications without the relevant documents.

COMMENTS

The application is brought before members as the land is owned by Thanet District Council. The main considerations in assessing the proposal are the principle of development, impact on the character and appearance of the area, impact on the living conditions of neighbouring residential occupiers and highway safety.

Principle of Development

The Pier Head Shelter lies within the Broadstairs Conservation Area and is located within an area defined on the Thanet Local Plan policies map as being covered by Policy SP12, relating to the Broadstairs Promenade and Beach Front, and Policy SP26 which relates to the Ramsgate and Broadstairs Cliffs Landscape Character Area. Viking Bay lies within the

area covered by Policy BSP4 of the Broadstairs Neighbourhood Development Plan which relates to Seafront Character Zones.

The Broadstairs Promenade and Beach Front policy (SP12) supports proposals that maintain and enhance the role and character of Broadstairs as a popular attractive small seaside town. Opportunities to enhance the use and attractiveness of the promenade, seafront and beach are welcomed. Within this area, small scale leisure and tourism uses will be permitted, including retail, where they do not harm the character and heritage interest of the surrounding area.

The Landscape Character Area policy (SP26) supports proposals that respect the traditional seafront architecture of the area and maintains existing open spaces.

Policy SP04 relates to economic growth and supports new tourism development, which would extend or upgrade the range of tourist facilities particularly those that attract the staying visitor, increase the attraction of tourists to the area and extend the season.

The proposal seeks to enclose the remaining area beneath the shelter to extend the existing restaurant. The development would be contained within the existing structure and therefore have limited harm on the character and heritage interest of the surrounding area, and upgrade and extend an existing tourist leisure facility in this seafront location and therefore the proposal complies with these policies.

The principle of the development is therefore considered to be acceptable.

Character and Appearance

The alterations would enclose the public open space beneath the shelter to provide additional seating areas, a private seating area, a bar and viewing areas, along with a fresh fish and ice cream hatch accessible from the pier and a food preparation area connected to the kitchen and store rooms. A beer store, manager's office and additional WCs would be provided for customer use. A bin store area is shown to the rear of the store and a bicycle rack is located under the shelter in front of the store. A total of 6 benches are shown on the northern elevation of the shelter protected by the overhang of the shelter roof and 4 concrete benches are shown along the eastern (seaward facing) elevation set away from the shelter and photographs of the style of seating has been provided in the Design and Access Statement submitted with the application.

The construction works would not extend beyond the footprint of the shelter and the elevation drawings indicate horizontal black timber cladding, concrete framed picture windows on the east facing elevation and black aluminium framed glazing.

From longer views, such as from the cliff top promenade overlooking Viking Bay, or on approach along the pier, the building would have the appearance of a solid building rather than a shelter. This would fundamentally change its appearance from a shelter to a commercial building, however, there is an existing commercial building within the shelter and it is already partially infilled with solid form, with the open shelter remaining to the north, which would be less visible in the long distance views from the promenade. It is proposed to

enclose the structure using dark stained timber cladding to match existing which would blend in well. The picture windows and glazed doors would add visual interest to the shelter whilst providing light into the building and provide views outwards from it. The applicant's agent advises that the shelter has been previously poorly maintained and the benches have been removed having been subject to vandalism, and the area has suffered from anti-social behaviour. The proposal would provide improved surveillance of the area through the use of the restaurant and the public seating would be improved, with 8No. benches proposed on the northern elevation and 4No. concrete benches on the eastern side.

The extension of the cafe/restaurant to provide more seating capacity through the enclosure of the structure and enhancements to the restaurant, including the provision of additional toilets for use by customers of the restaurant, would support leisure and tourism by upgrading an existing tourist facility.

The Conservation Officer has advised that in her view there would be less than significant level of harm to the character and appearance of the surrounding conservation area, and as such does not object to the application proposed.

Given the limited harm to the character and appearance of the area and enhancements to tourism in this location it is considered the development would accord with the requirements of local and national policies.

Living Conditions

The shelter is located some distance from the nearest residential properties and it is not intended to enlarge the building beyond its existing footprint. The Design and Access Statement explains that internal and external lighting would be carefully designed to minimise light pollution. Given the distance of the building from residential properties it is unlikely that the development would adversely impact upon residential amenity with regards to loss of light, outlook or light intrusion.

Concern has been raised that the proposal introduces an additional bar into the area where there are already many drinking establishments. The submitted floor plans appeared to indicate a separate bar area from that of the restaurant. The applicant's agent has advised that the proposal is to extend the existing facility and that the new seating and bar area will offer the users and visitors of The Jetty a different outlook across the harbour and out towards the sea. The proposed new entrance is a more formal entrance to the restaurant as the current entrance is via the covered seating area which can become congested at peak times. The new entrance provides a formal frontage to 'The Jetty', and the additional toilets are to cater for the additional covers in the restaurant. The plans have been amended to show the doors removed between the private seating area, and they now demonstrate the spaces within the building will be connected to the existing restaurant area.

The pier attracts a large number of people, particularly in the summer months, and visitors to the cafe often consume drink and food in the general vicinity. Refuse storage is provided within the site for the restaurant and it is likely that any problems with littering would be closely monitored by the operators of the facility to ensure there are no adverse impacts on the restaurant. The additional internal seating is unlikely to result in an unacceptable

increase in noise and disturbance above that which already exists from people using the pier.

It is considered the increased natural surveillance of the pierhead from the enlargement of the facility is likely to reduce opportunities for anti-social behaviour. Overall, the proposed development is not considered to result in significant harm to the living conditions of nearby residential occupiers, in accordance with Policy QD03 of the Thanet Local Plan.

Flood Risk

The development falls within Flood Risk Zone 3 with a high probability of flooding. A Flood Risk Assessment has been submitted that concludes the site is at very low risk from surface water flooding. The Environment Agency has been consulted and raised no objections to the proposal provided the mitigation measures set out in the Flood Risk Assessment are carried out. These include ensuring the internal floor level of the extension is finished at the same level as the floor level of the restaurant and installing concrete benches to the east of the extension to direct over topping water away from the extension

A condition has been included that requires the extension to be constructed in accordance with the submitted plans and the concrete benches to be in place prior to the use of the extended restaurant. Subject to these safeguarding conditions the proposal is considered to comply with Policy CC01 of the Thanet Local Plan.

Pedestrian and Highway Safety

The alterations would be contained within the footprint of the shelter and the area around the building would remain available for pedestrians. Whilst there may be some reduction in the openness around the site which could result in some pedestrian congestion, this would be similar to the existing situation at peak times and is unlikely to result in additional harm to pedestrian or highway safety.

The provision of a secure cycle store to the front of the building would have natural surveillance from activity from the restaurant and would help to encourage cycle opportunities and therefore reduce the need to travel by car in line with the requirements of Thanet Local Plan policies TP03 and SP43.

Other Matters

External Flue - The drawings include a flue which projects through the roof from the kitchen area. This flue was approved through the previous application (reference F/TH/21/0253) and condition 3 required this to be painted dark brown as per the Chris Roe quotation document (Ref: HCB210413-ventilation, however the extraction flue currently in situ is silver and far bulky than that previously approved or shown on the plans currently submitted. Planning Enforcement are aware and the Applicant's Agent has advised that they are discussing this with the installer of the flue.

Signage - The sign attached to the west elevation does not have the benefit of Advertisement consent and Planning Enforcement are aware. A separate advert application has been submitted to Planning (reference A/TH/23/0452) for consideration.

Conclusion

The proposed development would have limited harm on the Broadstairs Conservation Area and the key characteristics of the seafront location. In addition the proposal is supported through tourism policies given the benefits that would be provided from the extension of the existing restaurant facility use. There will be limited impact on the living conditions of nearby residential occupiers. Therefore it is recommended that members approve the application, subject to safeguarding conditions.

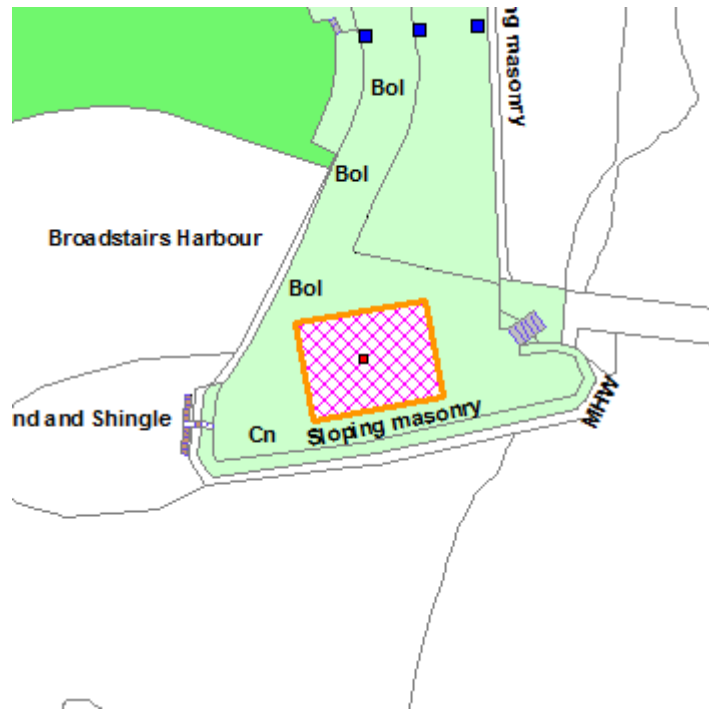
Case Officer

Rosemary Bullivant

TITLE: F/TH/22/1638

Project Pier Head Shelter The Harbour BROADSTAIRS Kent CT10 1EU

Scale:



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The Grade II listed Harbour Arm in Margate is situated to the east of Margate Main Sands. There are a number of businesses along the pier, including art studio space, retail, cafes and licensed premises. The public convenience block is a single storey structure located midway between the various outlets.

RELEVANT PLANNING HISTORY

L/TH/08/0357 - Application for Listed Building consent for the painting of existing doors and window frames Granted 07/05/2008

F/TH/07/0936 - Change of use to café, restaurant, artists' studios, art gallery and retail units, together with the erection of staircase and external alterations. Granted 03/10/2007

PROPOSED DEVELOPMENT

The application seeks listed building consent to refurbish the toilet block building internally and externally to improve the current facilities.

PLANNING POLICIES

Thanet Local Plan 2020

HE03 - Heritage Assets

NOTIFICATIONS

Neighbouring units have been notified, a site notice posted and an advert placed in the newspaper and no representations have been received.

CONSULTATIONS

Conservation Officer - Following a review of the proposed application, although there is some harm considered to be caused to the listed asset, the required maintenance and changes will ensure the sustained and effective use of the facilities overall. As such I do not object to the application proposed and would consider the setting and appearance of the heritage to be protected.

Environmental Health - Thank you for consulting Environmental Protection on the above planning application for which we have considered the potential for environmental health impacts and consider it to have a low environmental risk and therefore do not offer any comments in this regard.

COMMENTS

The application is brought before members as the land is owned by Thanet District Council. The only consideration required in this instance is the impact of the works on the listed building.

ANALYSIS

The Stone Pier is a Grade II Listed therefore the proposed works need to be assessed against Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when 'considering whether to grant listed building consent for any works the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Furthermore, Thanet Local Plan policy HE03 seeks to safeguard heritage assets against harm in line with the criteria set out in the National Planning Policy Framework (NPPF).

The heritage listing describes the pier as comprising five sections, angled to form a westward curve enclosing the harbour with single-storey C20 workshops built on the fourth and fifth sections of the pier, backing up against the promenade. The works relate to the refurbishment of the toilet block which is located towards the far end of the Harbour Arm midway between commercial and storage buildings. Whilst the toilet block is not of significant age it is physically attached to the Pier and its appearance has a significant impact on the setting of the listed structure.

The toilet block has a staggered footprint and comprises an Accessible WC to the front (the left hand side door is a separate unit and does not form part of this application) with the entrance to the Ladies and Gents WCs set further back. The Harbour Arms micro pub partially screens the entrance doors to the Ladies and Gents WCs which are set further back. The building is in need of repair and refurbishment as demonstrated by external photographs of the building provided on the 'Location Plan' and internal photographs shown on the 'Existing Floor Plan'. The internal photographs show damage to tiles and walls and a significant amount of graffiti.

The existing entrance doors are timber and it is proposed to replace these with steel doors. The 'Proposed Plans and Elevations' drawing provides a photograph showing the style of the door proposed. The doors appear typical of the style of doors found on public conveniences having large door handles that would be easy for members of the public to open and having a utilitarian appearance that would be easy to maintain. The door to the Accessible WC would contrast in material and design to the adjacent door, however, the size of the door opening would remain unchanged. The windows are covered with 'blanking panels' and it is proposed to replace these with steel panels to match the steel entrance doors. The replacement of the doors and blankings would refresh the appearance of the building however these changes would not alter the structure of the building or significantly alter the appearance of the building when viewed as a whole.

In 2008 Listed Building consent was granted (reference L/TH/08/0357) for the painting of the doors and window frames along the pier. The colours were chosen to be 'lively and vibrant and contribute to the overall character and appearance of the conservation area and enliven the listed buildings'. This proved to be effective with the transition in colours visible from The Parade and Marine Drive and from longer views across the bay from Nayland Rock. The door to the adjoining unit was painted pink and the door to the Accessible WC door was painted orange. Being centrally located within the row of buildings the colours visually linked the buildings as a pleasing cohesive whole along the pier. It is therefore considered

important that the door be finished in a colour that blends into the overall colour scheme. The Ladies and Gents doors are set further back and their impact would have less impact, however finishing these doors in the same colours would be helpful for members of the public to identify the location of the public conveniences. Precise details of the door finishes have not been provided at this time and will be requested through a planning condition.

Internally it is proposed to reorder the internal space to improve circulation within the building and make better use of the available space. The cubicles would be constructed using metal partitioning following removal of existing block walls. The WCs, urinal and vanity unit would be replaced using stainless steel goods which are more robust for their use and easy to maintain. The building has no features of historic value and the internal alterations would not result in the loss of historic fabric. The proposed alterations are therefore considered acceptable.

With regards to the listed Stone Pier, as a listed building, there is a requirement for decisions to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 193 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this instance the toilet block is in need of refurbishment to secure its future use and to ensure its appearance does not deteriorate and negatively impact on the overall setting of the listed structure.

Taking the above into account the proposed works are considered to have limited impact on the historic fabric of the listed building. The works would therefore result in less than substantial harm to the listed building when weighed against the public benefits of providing improved public conveniences whilst maintaining the appearance of the building in this prominent location. The replacement of the doors and refurbishment of the facilities would preserve the building as a whole to allow for its future use, in line with the NPPF.

Conclusion

The works proposed would not have a significant detrimental impact or harm the historic features and fabric of the listed building. The works are therefore considered to have sufficient regard to the Listed Building in accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Plan Policy HE03 and the NPPF and it is therefore recommended that members approve the application.

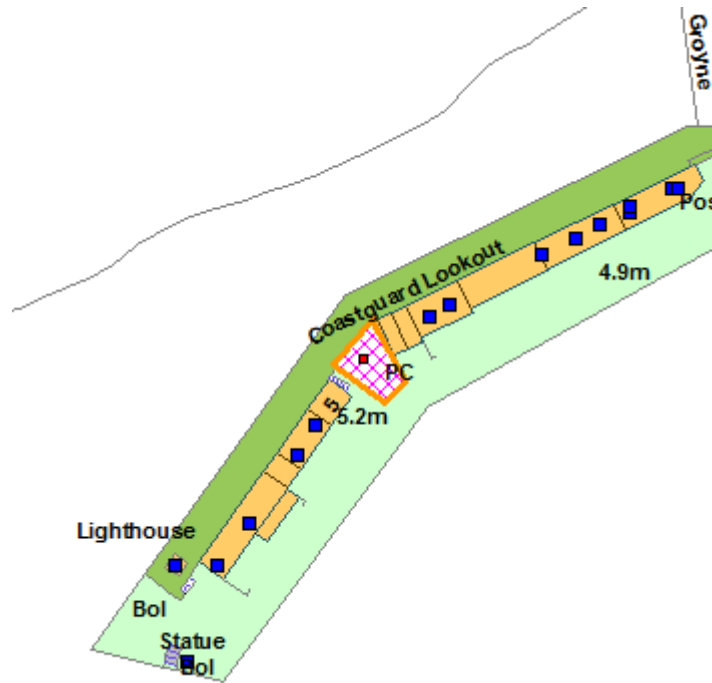
Case Officer

Rosemary Bullivant

TITLE: L/TH/23/0164

Project Public Conveniences Stone Pier MARGATE Kent CT9 1AP

Scale:



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A06

F/TH/23/0216

PROPOSAL: Erection of 1.9 metre high wall to Nethercourt Touring Park boundary between Nos 17 and 24 Kendal Close

LOCATION: Nethercourt Touring Park Nethercourt Hill RAMSGATE Kent CT11 0RX

WARD: Nethercourt

AGENT: No agent

APPLICANT: Thanet District Council

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered CR/22-23/01 and CR/22-23/02, received 9 February 2023.

GROUND:

To secure the proper development of the area.

3 The bricks to be used in the construction of the wall hereby approved shall be red multi stock unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

4 The bricks to be used for the construction of the wall hereby approved shall be red multi stock unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

5 The wall hereby approved shall be erected in the location identified on drawing numbered CR/22-23/02 received 9 February 2023.

GROUND:

To secure the proper development of the area.

INFORMATIVES

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

SITE, LOCATION AND DESCRIPTION

Nethercourt Touring Park is located at the northern end of Nethercourt Park with access through the park from Nethercourt Hill. The application site relates to a 23 metre section of boundary wall located in the southern corner of the Nethercourt Touring Park located between Nos 17 and 24 Kendal Close. The previous wall has been removed as it was unstable and the gap is currently secured by a number of solid metal fencing panels.

PLANNING HISTORY

No relevant planning history.

PROPOSED DEVELOPMENT

The application seeks planning permission to erect a 1.9 metre brick wall between Nos 17 and 24 Kendal Close in the location of the previous boundary wall.

PLANNING POLICIES

Thanet Local Plan 2020

QD02 - General Design Principles

QD03 - Living Conditions

NOTIFICATIONS

Neighbours have been notified and a site notice posted and no representations have been received.

CONSULTATIONS

No consultations

COMMENTS

The application is brought before members as the land is owned by Thanet District Council. The main considerations in assessing the proposal are the principle of development, impact on the character and appearance of the area, impact on the living conditions of neighbouring residential occupiers and pedestrian and highway safety.

Principle of Development

The site is located within the urban confines of Ramsgate and the development relates to the boundary wall of the Nethercourt Touring Park. There are no in principle objections to the erection of a wall in this location subject to consideration of all material considerations in accordance with the National Planning Policy Framework (NPPF) and Local Plan Policies.

Character and Appearance

The site is located at the far end of Kendal Close and forms part of the southern boundary of the Touring Park. The section of wall to be replaced fronts the highway and shares a boundary with Nos 17 and 24 Kendal Close. The 23 metre section of boundary wall has been removed as it was unstable and in danger of collapse onto the public highway and being a danger to public safety. Two trees on the boundary have also been removed and their location is indicated on the submitted plan. The gap within the boundary has been secured by a number of solid metal panels.

It is proposed to erect a 1.9 metre high brick wall to replace the previous wall. The wall would be constructed in red multi stock brick and be similar in height and appearance to the previous wall.

The current metal hoarding is unsightly and the reinstatement of the boundary wall would greatly enhance the visual appearance of the street scene whilst securing the boundary of the Touring Park grounds, and the development would therefore meet the requirements of Local Plan Policy QD02 and the NPPF.

Living Conditions

The wall would be erected in the same location and be of similar height to the previous wall and extend from the garage of No 24 Kendal Close and run across the end of Kendal Close and extend to the converted garage of No 17 Kendal Close. The wall would have the same relationship to neighbours as the previous wall and not adversely impact on the living conditions of neighbouring property occupiers through loss of light or loss of outlook and the proposal would therefore accord with QD03 of the Thanet Local Plan and the NPPF.

Pedestrian and Highway Safety

The previous wall became unstable and was a potential danger to pedestrians and vehicles. The metal hoardings forming a barrier across the end of Kendal Close are temporary in appearance and subject to movement. The erection of a replacement brick wall would provide a secure boundary to the site and a sound finish to the boundary and anyone using Kendal Close.

The proposed wall would provide a more satisfactory finish to the boundary for pedestrian and highway safety than that of the temporary hoardings and pedestrian and highway safety would not be harmed.

Other Matters

Trees - The trees that have been removed were not covered by a Tree Preservation Order and therefore their removal did not require consent.

Conclusion

The proposed wall would restore the boundary of the Touring Park and improve the visual appearance of the streetscene and public safety and have a neutral impact on the living conditions of nearby residential occupiers. The development is therefore considered to be acceptable and in accordance with Policies QD02 and QD03 of the Thanet Local Plan and it is therefore recommended that members approve the application.

Case Officer

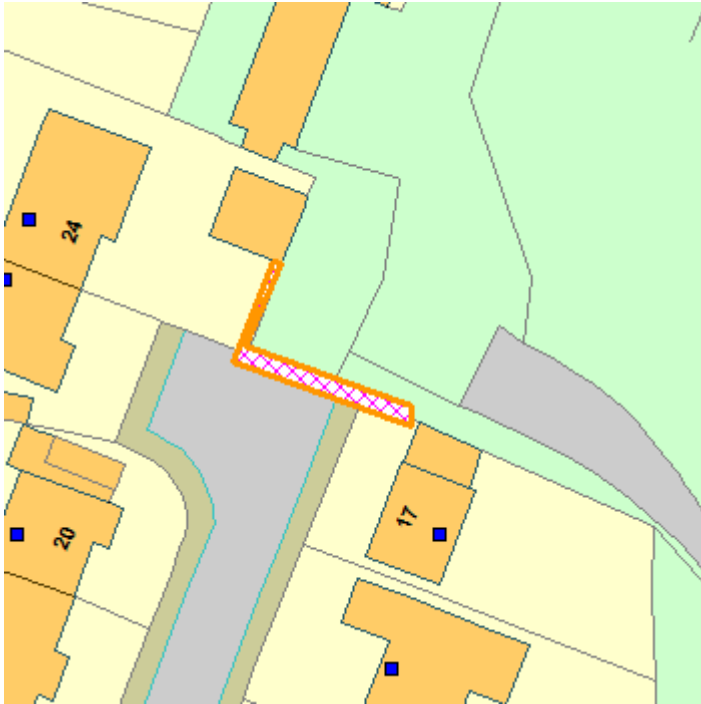
Rosemary Bullivant

Agenda Item 6f

TITLE: F/TH/23/0216

Project Nethercourt Touring Park Nethercourt Hill RAMSGATE Kent CT11 0RX

Scale:



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R07

FH/TH/23/0031

PROPOSAL: Erection of a detached single storey, pitched roof, outbuilding (retrospective) following the demolition of existing outbuilding

LOCATION:

Little Upton Vale Road BROADSTAIRS Kent CT10 2JJ

WARD:

Viking

AGENT:

Mr John Elvidge

APPLICANT:

Mr & Mrs F & M Ulldemolins

RECOMMENDATION:

Refuse Permission

For the following reasons:

1 The retention of the outbuilding within the curtilage of this Grade II listed building would harm its setting by virtue of its location, footprint and scale. As a result the outbuilding would obscure views of the architecture of this building which is the reason for its listing. The proposal would not result in any public benefit to outweigh the identified harm. The proposal is therefore contrary to the setting of the listed building contrary to paragraphs 195, 197, 200 and 202 and policy HE03 of the Local Plan.

SITE, LOCATION AND DESCRIPTION

Little Upton is a two storey detached dwelling and is late 17th Century Grade II Listed property, which fronts and overlooks its garden to its eastern side, it is not within a Conservation Area.

The Listed shaped Dutch gable facing east is a prominent feature of this building that is visible from the highway. The property is set down slightly to Vale Road. Nos 5 & 6 (Upton Cottage) and Little Upton form a group. Upton Cottage is to the east of Little Upton. The site is enclosed to Vale Road by an attractive flint wall, vehicular entrance gates (timber) are located in the southeastern corner, close to the junction with Leatt Close.

RELEVANT PLANNING HISTORY

L/TH/23/0032 Application for Listed Building consent for repair, renovation and part replacement of existing casement windows (part-retrospective) Granted 07/03/23

F/TH/06/0154 Erection of a detached, pitched roof, single storey, double garage. Refused 29/03/2006

L/TH/01/0512 Internal alterations to main dwelling and erection of a two storey pitched roof extension to provide en suite bathroom, a single storey hipped roof conservatory and flat

roof link extension together with external and internal alteration to and conversion of outbuilding to provide 2 bedrooms and en-suite bathroom. Granted 23/08/2001

F/TH/01/0511 Erection of a two storey pitched roof extension to provide en-suite bathroom, a single storey hipped roof conservatory and flat roof link extension together with alterations to and conversion of outbuilding to provide 2 bedrooms and en-suite Granted 23/08/2001

L/TH/00/0868 Erection of a hipped roof rear extension together with the conversion of an existing outhouse with a pitched roof link to main dwelling house and the erection of a detached pitched roof garage and lych gate. Withdrawn 01/06/2001

F/TH/00/0867 Erection of a hipped roof rear extension together with the conversion of an existing outhouse with a pitched roof link to main dwelling house and the erection of a detached pitched roof garage and lych gate. Withdrawn 01/06/2001

F/TH/91/0735 Erection of fencing to increase height of boundary wall. Withdrawn 21/08/1992

PROPOSED DEVELOPMENT

The proposed development is for the erection of a detached single storey, pitched roof outbuilding, following the demolition of an existing outbuilding. The application is retrospective.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

HE03 - Heritage Assets

QD02 - General Design Principles

QD03 - Living Conditions

SP36 - Conservation and Enhancement of Thanet's Historic Environment

TP06 - Car Parking

Broadstairs & St. Peters Neighbourhood Plan

BSP9: Design in Broadstairs & St. Peter's

NOTIFICATIONS

Letters were sent to neighbouring property occupiers, a site notice was posted close to the site and an advert was posted in the local newspaper.

One response has been received objection to the proposal. The Concerns can be summarised as follows:

- Planning history - similar application refused in 2006
- Due to its size the building is an obtrusive feature and severely detracts from the property

- Does not respect the character and appearance of its surroundings
- Proposal is clearly visible from the public highway- following removal of vegetation
- Proposal within falling distance of an ancient oak (with Tree Preservation Order attached)

Broadstairs Town Council - The Committee recommends REFUSAL and are strongly against this development as it is unauthorised (retrospective), as was the previous building works. This application is also within the curtilage of a listed building. We await the Enforcement Officer carrying out their appropriate duties.

Broadstairs Society - As this is a retrospective application the Society has no comments to make on something that has already happened but assume an application for Listed Building consent will be forthcoming?

CONSULTATIONS

TDC Conservation Officer: - Little Upton is a grand and traditional Grade II listed property, set towards the rear of a large frontage in a prominent location in Broadstairs, outside the conservation area. According to the list description this is a group listing for properties and also includes the adjacent no 5 and 6. A pleasant boundary wall can also be seen on the site which is considered to be listed through curtilage.

Guidance under the National Design Guide Section C2, Paragraph 45 highlights that when determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape and paragraph 47 which states Well-designed places and buildings are influenced positively by the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details.

Under the Listed Buildings and Conservation Areas Act 1990, Section 16 Paragraph 2 it states In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This application is for the retention of an already constructed outbuilding, located at the forefront of the boundary of the Grade II listed property. There was previously a structure in the same location, however it was smaller in footprint and scale and much more 'shed-like' than its replacement. The main concern in regards to the proposed is the implication to the setting and appearance of the listed property given the proximity and scale constructed.

Previously the existing structure looked to be temporary, smaller scale and shed like in its character which appeared largely typical in its form for use within a garden setting, unassuming and subservient. What has since been constructed has gained size in both footprint and height, resulting in a more permanent and heavy setted structure which has a

poor relationship with the nearby Grade II listed property. Within the listing it details the significance of the decorative dutch gable end, of which this development directly blocks views from both internally and externally to the site, as such disrupting the site's setting and appearance.

The material palette for the proposed has not pulled cues from the main listed building on the site and instead takes reference from the later addition construction built as an extension in 2001. This 2001 extension is cited towards the North of the boundary wall as to reduce the implication to the main approach and setting of the listed building. Extending the material palette across the site elaborates the sense of contemporary fabric over the entirety of the site complex of which I believe to the detriment of the setting of the main property.

Internally and external views of the site have been negatively disrupted and encroached upon by the construction of the outbuilding as views through the site from Vale Road are incredibly prominent from both the South and the East, making the structure highly visible. In direct context of these views are the pleasant flint wall boundary which runs around the site, contributing positively to the surrounding character. The low topography of the site assists in the outbuilding being less visible externally, however, it still appears incongruous and awkward against the flint boundary wall. Views throughout the site have been congested to its detriment by the proposed.

Reviewing the building's planning history there was an application in 2006 for the construction of an outbuilding at the forefront of the site but in a different location, which was refused on the grounds that it caused harm to the overall street scene and approach to the listed property. Although this was under differing circumstances I would consider that the principle is relevant given that harm is considered to be caused to the setting and appearance of the site despite being outside of the Broadstairs Conservation Area.

Restoration of the windows of the main house has been referenced in this design and access documentation however this is not relevant or to be considered as part of this application.

Reading the design and access statement little reference has been made to any harm caused within the site itself or any harm caused to the wider setting and appearance of the site itself instead the approach has taken that this does nothing other than improve the site. A visual harm would be considered to be caused here rather than any tangible level of public benefit.

In conclusion, I do not think that this listed building consent application has fully considered the implication of the proposed to the setting of the site or the wider setting and appearance of the surrounding environment. As such I object to the application proposed and would not consider the site to be protected and preserved.

COMMENTS

This application is presented to the Planning Committee at the request of Cllr Saunders on the basis that the proposals design and the materials specified match a similar structure opposite within the curtilage of the property and as such would appear to be in keeping.

Principle

The principle of extending, altering or erecting an outbuilding within the curtilage of an existing dwelling is considered acceptable.

As such there is no principle objection to the erection of an out building in a residential curtilage.

Character and Appearance

The proposal would be positioned with the grounds of a Grade II listed building.

In line with the Planning (Listed Buildings and Conservation Areas) Act (1990), there is a legal duty to protect listed buildings and their setting. S.66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) states: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority should have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historical interest which it possesses.'

The setting of a heritage asset is defined in the glossary of the NPPF as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

The NPPF makes it clear that the extent of the setting of a heritage asset is not fixed and may change as the asset and its surroundings evolve. Guidance published by Historic England in 2011 outlines the planning considerations relating to the conservation of listed buildings and their setting, with specific detail provided as to the potential impact of cumulative changes, stating: 'Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset'

Policy SP36 of the Thanet Local Plan states that "The Council will support, value and have regard to the historic or archaeological significance of Heritage Assets.."

Policy HE02 of the Thanet Local Plan requires that appropriate materials and detailing are proposed and that developments would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.

Paragraph 130 of the National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment and establish and maintain a strong sense of place.

Policy QD02 of the Thanet Local Plan provides general design principles for new development and states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects.

The proposed outbuilding measures 3.8m wide and a length of 6.4m, there is a smaller projecting element on its east elevation projecting out 1m x 1.4m with a door. The overall height of the ridge of the roof is 3.5m. In terms of materials the plans are annotated and detail a timber framed outbuilding, clad with black stained horizontal feather edged boarding, black stained timber fascias and bargeboards, natural slate roof, black rainwater goods and stained timber windows and doors. The proposal is positioned to the south east of the dwelling within its garden area and approximately 3.5m (minimum) distance to the Vale Road boundary- demarcated by an attractive flint wall. It is considered that the design in itself is acceptable in its own right, being single storey and having traditional materials.

Consideration has been given to any impact upon the Grade II listed property known as Little Upton located to the north west of the proposal. The outbuilding would be positioned between 3.5 - 4m away from the flint boundary wall, with its short side facing Vale Road. This flint wall would not be affected by the physical development of the outbuilding subject of this application. It is also acknowledged that there was an outbuilding previously within the grounds in a similar location to what now is proposed but also on a smaller scale. This appears to have had a felt roof and being more shed-like in terms of its appearance (photo on the English Heritage website).

The Council's Conservation Officer has expressed concerns in regard to the proposal in terms of its impact upon the setting and appearance of the listed property. The Conservation Officer considers that the replacement outbuilding which is larger in size; both footprint and height results in a more prominent and heavy setted structure and has a poor relationship with the nearby Grade II listed building. Also adding that the outbuilding directly blocks views of the decorative Dutch gable both within and outside (Vale Road- from the south and east) the site as such disrupting the site's setting and appearance. Concern is also expressed in terms of the material palette used which draws from a 2001 extension rather than the original listed property which also felt to be of detriment to the setting of the main property. Whilst the reduced levels of the site is noted by the Conservation Officer it is considered that the outbuilding appears incongruous and awkward against the flint boundary wall.

The site comprises part of the garden area to Little Upton, a two storey detached dwelling on Vale Road. The proposal involves the demolition of a former outbuilding and the retention of a dual pitched roof building. Double doors are provided within the west elevation and a window to either side of the central doors. Two doors are provided within the north elevation, one in the small projecting store area.

Given the building location it is considered by officers that it will overly dominate the setting of the Listed Building and adjacent cottages that form part of this group. The outbuilding that retrospective consent is sought for is visible from Vale Road above the attractive flint wall. There is not considered to be a detrimental sense of enclosure to the garden with this outbuilding in its own right, taking into account the dimensions of the building.

The views of the outbuilding that is subject to this application are more than glimpse views, and whilst being set down to the road and behind a flint wall the top portion of the building would be clearly visible outside the site; from Vale Road and Leatt Close the roof of the outbuildings roof is seen. Although it is acknowledged that the lower portion of the walls are shielded by the flint wall and lower level in height of the application site. In addition I would also concur with the Conservation Officer stances that the building would limit the views of the striking Dutch gable of this listed building, which is an important architectural feature of the building. The proposal therefore in officers' view harms the setting of the Listed Building.

Any harm to the setting of this designated heritage asset would be clearly less than substantial and the public benefits of this scheme would not outweigh any limited harm referred to in paragraph 196 of the NPPF.

This development is therefore considered to result in significant harm to the setting of the listed building and wider group contrary to policies HE03 and QD02 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

The outbuilding is approx. 20m, at its closest point, north of the front elevation of the neighbouring dwellings on the opposite side of Vale Road. Properties to the west; no 6 Upton Cottages and those that front Leatt Close are a greater distance away. Considering the distance, there would be limited impacts to neighbour amenity.

It is, therefore, considered that this application would have no significant impact upon the living amenity of the neighbouring property occupiers, in line with policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

The property does benefit from off street parking and no changes are proposed as part of this application.

The site is located in a highly sustainable location with good access to services, facilities and public transport and the addition of one bedroom is considered to be a minor increase in the size of the property. It is, therefore, considered that the proposed development would have no significant impact on parking or highway safety in the area.

Other Matters

Whilst it is regrettable that this is a retrospective application it is confirmed that retrospective planning applications can be made under Section 73A of Town and Country Planning Act 1990. As the application is recommended for refusal, the scheme will be passed onto Enforcement.

Conclusion

The proposal to retain the outbuilding within the grounds of this Grade II listed building is considered to result in harm to the setting of the listed building given its location, footprint and scale, with no tangible public benefit. The living conditions of the neighbouring property occupiers and highway safety aspects are considered acceptable. It is therefore recommended that Members refuse this application.

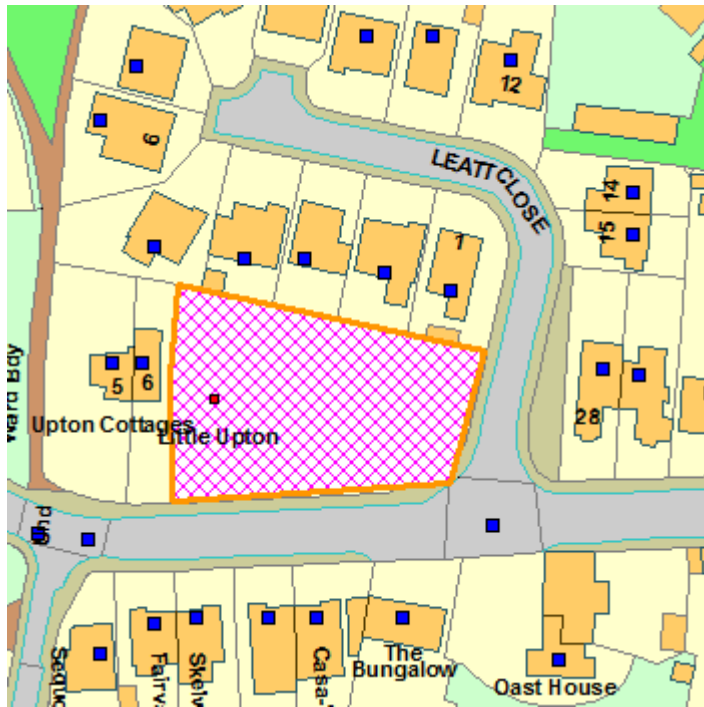
Case Officer

Gillian Daws

TITLE: FH/TH/23/0031

Project Little Upton Vale Road BROADSTAIRS Kent CT10 2JJ

Scale:



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